

Highly Confidential - Subject to Further Confidentiality Review

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

- - -

IN RE: NATIONAL : HON. DAN A.  
PRESCRIPTION OPIATE : POLSTER  
LITIGATION :  
:  
APPLIES TO ALL CASES : NO.  
: 1:17-MD-2804  
:

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - -

February 15, 2019

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Videotaped deposition of  
GEORGE STEVENSON, taken pursuant to  
notice, was held at the offices of  
McCarter & English, LLP, 1600 Market  
Street, Philadelphia, Pennsylvania,  
beginning at 9:11 a.m., on the above  
date, before Michelle L. Gray, a  
Registered Professional Reporter,  
Certified Shorthand Reporter, Certified  
Realtime Reporter, and Notary Public.

- - -

GOLKOW LITIGATION SERVICES  
877.370.3377 ph | 917.591.5672 fax  
deps@golkow.com

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<p>1 APPEARANCES:</p> <p>2 SEEGER WEISS, LLP</p> <p>3 BY: JENNIFER SCULLION, ESQ</p> <p>4 KSENIYA LEZHNEV, ESQ</p> <p>5 77 Water Street, 8th Floor</p> <p>6 New York, New York 10005</p> <p>7 (212) 584-0780</p> <p>8 Jscullion@seegerweiss.com</p> <p>9 klezhnev@seegerweiss.com</p> <p>10 Representing the Plaintiffs</p> <p>11 BRANSTETTER, STRANCH &amp; JENNINGS, PLLC</p> <p>12 BY: JOE P. LENISKI, JR., ESQ</p> <p>13 223 Rosa L. Parks Avenue, Suite 200</p> <p>14 Nashville, Tennessee 37203</p> <p>15 (615) 254-8801</p> <p>16 Joelyl@bsjfirm.com</p> <p>17 Representing the TN Plaintiffs</p> <p>18 McCARTER &amp; ENGLISH, LLP</p> <p>19 BY: AMY M. VANNI, ESQ</p> <p>20 1600 Market Street, Suite 3900</p> <p>21 Philadelphia, Pennsylvania 19103</p> <p>22 (215) 979-3848</p> <p>23 avanni@mccarter.com</p> <p>24 - and -</p> <p>McCARTER &amp; ENGLISH, LLP</p> <p>BY: HAYLEY J. REESE, ESQ</p> <p>Renaissance Centre</p> <p>405 N. King Street, 8th Floor</p> <p>Wilmington, Delaware 19801</p> <p>(302) 227-6308</p> <p>hreese@mccarter.com</p> <p>Representing the Defendants, Endo Health</p> <p>Solutions; Endo Pharmaceuticals, Inc. ;</p> <p>Par Pharmaceutical Companies, Inc. f/k/a</p> <p>Par Pharmaceutical Holdings, Inc. and the</p> <p>Witness</p>	<p>1 TELEPHONIC/STREAMING APPEARANCES:</p> <p>2 (Cont'd.)</p> <p>3</p> <p>4 ROPES &amp; GRAY, LLP</p> <p>5 BY: SEAN B. KENNEDY, ESQ.</p> <p>6 800 Boylston Street</p> <p>7 Boston, Massachusetts 02199</p> <p>8 (617) 951-7234</p> <p>9 sean.kennedy@ropesgray.com</p> <p>10 Representing the Defendant, Mallinckrodt</p> <p>11</p> <p>12 ULMER BERNE, LLP</p> <p>13 BY: SANDRA MILLER BENOIT, ESQ.</p> <p>14 65 East State Street</p> <p>15 Columbus, OH 43215</p> <p>16 (614) 229-0016</p> <p>17 sbenoit@ulmer.com</p> <p>18 Representing the Defendant, Teva</p> <p>19 Pharmaceuticals, Inc. Cephalon Inc,</p> <p>20 Watson Laboratories, Actavis LLC, Actavis</p> <p>21 Pharma, Inc.</p> <p>22</p> <p>23</p> <p>24</p>
Page 3	Page 5
<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 PIETRAGALLO GORDON ALFANO BOSICK &amp;</p> <p>4 RASPANTI, LLP</p> <p>5 BY: ASHLEY KENNY, ESQ.</p> <p>6 1818 Market Street, Suite 3402</p> <p>7 Philadelphia, Pennsylvania 19103</p> <p>8 (215) 320-6200</p> <p>9 Ak@pietragallo.com</p> <p>10 Representing the Defendant, Cardinal</p> <p>11 Health</p> <p>12</p> <p>13 TELEPHONIC/STREAMING APPEARANCES:</p> <p>14</p> <p>15 JONES DAY</p> <p>16 BY: EDWARD M. CARTER, ESQ.</p> <p>17 325 John H. McConnell Boulevard</p> <p>18 Columbus, Ohio 43215</p> <p>19 (614) 281-3906</p> <p>20 Emcarter@jonesday.com</p> <p>21 Representing the Defendant, Walmart</p> <p>22</p> <p>23 COVINGTON &amp; BURLING, LLP</p> <p>24 BY: JOSEPH HYKAN, ESQ.</p> <p>AMBER CHARLES, ESQ.</p> <p>850 Tenth Street, NW</p> <p>Suite 586N</p> <p>Washington, D.C. 20001</p> <p>(202) 662-5769</p> <p>jhykan@cov.com</p> <p>acharles@cov.com</p> <p>Representing the Defendant, McKesson</p> <p>Corporation</p> <p>JACKSON KELLY, PLLC</p> <p>BY: SANDRA K. ZERRUSEN, ESQ.</p> <p>50 South Main Street, Suite 201</p> <p>Akron, Ohio 44308</p> <p>(330) 252-9060</p> <p>Skzerrusen@jacksonkelly.com</p> <p>Representing the Defendant, AmerisourceBergen</p>	<p>1 ALSO PRESENT:</p> <p>2</p> <p>3 Carolyn Johnson</p> <p>4 (Paralegal - Seeger Weiss)</p> <p>5 Sandra Di Iorio, Esq.</p> <p>6 (Endo)</p> <p>7</p> <p>8 VIDEOTAPE TECHNICIAN:</p> <p>9</p> <p>10 Bill Geigert</p> <p>11</p> <p>12 LITIGATION TECHNICIAN</p> <p>13</p> <p>14 Bradley Smith</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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I N D E X

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Testimony of:

GEORGE STEVENSON

By Ms. Scullion 21

By Ms. Vanni 527

- - -

E X H I B I T S

- - -

NO. DESCRIPTION PAGE

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George R. Stevenson

Endo

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Stevenson-3 GeneriCo Board of Directors 68

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Endo

Stevenson-9 E-mail Thread 200

1/24/07

Subject, Percocet

Price Increase Effective

2/1/07 Approved by EPC

ENDO-OPIOID\_MDL-

03571186-92

Endo

Stevenson-10 Percocet Quarterly Business Review 203

Fourth Quarter 2002

ENDO-OPIOID\_MDL-

04910731

Endo

Stevenson-11 (Skipped)

Endo

Stevenson-12 GAO, OxyContin Abuse and Diversion 247

And Efforts to Address The Problem

ENDO-OPIOID\_MDL-

03256655-17

Endo

Stevenson-13 E-mail Thread 260

9/8/03

Subject, EN3218

Quota Request and Risk Management Questions

ENDO-OPIOID\_MDL-

03002818-19

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Endo

Stevenson-4 E-mail, 1/25/07 81

Subject, Stevenson

2006 Performance

Appraisal

Endo 2006 Performance

Management

ENDO-OPIOID\_MDL-

00860303-11

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ENDO-OPIOID\_MDL-

05554625-28

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04137718

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Stevenson-8 Endo Pharmaceuticals Company Overview 176

April 2004

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04137944

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NO DESCRIPTION PAGE

Endo

Stevenson-14 E-mail Thread 274

9/29/03

Subject, Final DEA

Presentation

Endo Pharmaceuticals

Meeting with Drug Enforcement Administration

9/30/03

ENDO-OPIOID\_MDL-

03005612

Endo

Stevenson-15 Risk Management Plan For Opioid Analgesics 284

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04137306-413

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2	EXHIBITS (Cont'd)			2	EXHIBITS (Cont'd)		
3	---			3	---		
4				4			
5	NO DESCRIPTION PAGE			5	NO DESCRIPTION PAGE		
6	Endo Stevenson-18 Form 10-K 302			6	Endo Stevenson-28 E-mail Thread 378		
7	Fiscal Year Ended 12/31/06			7	4/5/06		
8				8	Subject, Examples ENDO-OPIOID_MDL-03924784		
9	Endo Stevenson-19 Corporate Reputation 308			9	Endo		
10	Management Cohn & Wolfe Healthcare 5/14/04			10	Stevenson-29 Endo Contribution 397		
11	ENDO-OPIOID_MDL-04137791			11	Margin Report ENDO-OPIOID_MDL-00000008		
12				12	Endo		
13	Endo Stevenson-20 E-mail Thread 313			13	Stevenson-30 E-mail Thread 411		
14	8/20/03			14	5/3/06		
15	Subject, Risk Management Plan Submission			15	Subject, New NCPA Pharmacist Research Study		
16	ENDO-OPIOID_MDL-01709808-18			16	ENDO-OPIOID_MDL-00877265-66		
17	Endo Stevenson-21 You Want a Description of Hell? 321			17	Endo Stevenson-31 E-mail Thread 417		
18	OxyContin's 12-Hour Problem			18	2/12/04		
19				19	Subject, Urgent Re Opioid Education Materials		
20	Endo Stevenson-22 Endo Health Solutions Supplemental 326			20	ENDO-OPIOID_MDL-02255008-09		
21	Objections and Responses Preliminary Statement			21			
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2	EXHIBITS (Cont'd)			2	EXHIBITS (Cont'd)		
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4				4			
5	NO DESCRIPTION PAGE			5	NO DESCRIPTION PAGE		
6	Endo Stevenson-23 Drug Abuse, Current 334			6	Endo Stevenson-32 E-mail Thread 426		
7	Concepts and Research			7	3/23/04		
8				8	Subject, Pharmacist Educational Initiative Update		
9	Endo Stevenson-24 E-mail Thread 338			9	ENDO-OPIOID_MDL-02255384-88		
10	3/6/08			10	Endo		
11	Subject, Opana ENDO-OPIOID_MDL-06175127-29			11	Stevenson-33 E-mail Thread 427		
12	Endo Stevenson-25 Letter, 7/10/00 346			12	5/21/04		
13	To McCormick from Patterson			13	Subject, Opioid Patient Brochure		
14	RE, IND 56,919 Numorphan			14	Production Ready ENDO-OPIOID_MDL-02255803-12		
15	ENDO-OPIOID_MDL-00156150-51			15	Endo		
16	Endo Stevenson-26 E-mail Thread 351			16	Stevenson-34 E-mail Thread 463		
17	10/20/06			17	7/1/03		
18	Subject, Project Pizza			18	Subject, Agency Contact Report, Oxymorphone ER and IR		
19	ENDO-OPIOID_MDL-00856825-31			19	ENDO-OPIOID_MDL-01716696-97		
20	Endo			20	Endo		
21	Stevenson-27 E-mail Thread 364			21	Stevenson-35 E-mail Thread 469		
22	10/27/06			22	7/14/03		
23	Subject, Project Pizza Update			23	Subject, Action Plan To Prevent Diversion		
24	ENDO-OPIOID_MDL-02230226-28			24	ENDO-OPIOID_MDL-01692316-21		

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1	- - -		1	- - -	
2	EXHIBITS (Cont'd)		2	DEPOSITION SUPPORT INDEX	
3	- - -		3	- - -	
4			4		
5	NO	DESCRIPTION PAGE	5	Direction to Witness Not to Answer	
6	Endo		6	PAGE LINE	
7	Stevenson-36 Memo, 4/1/04	476		None.	
8	Cohn & Wolfe		7		
9	Subject, Proactive		8	Request for Production of Documents	
10	Media Relations		9	PAGE LINE	
11	Review & Recommendations			None.	
12	ENDO-OPIOID_MDL-		10		
13	04137641-42		11	Stipulations	
14	Endo		12	PAGE LINE	
15	Stevenson-37 E-mail Thread	480		None.	
16	4/7/04		13		
17	Subject, Kentucky		14	Questions Marked	
18	State Programs and				
19	OxyContin Abuse		15	PAGE LINE	
20	ENDO-OPIOID_MDL-		16	None.	
21	03256784-86		17		
22	Endo		18		
23	Stevenson-38 E-mail Thread	489	19		
24	4/23/04		20		
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	8494968		22		
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	03389105-07		24		
	Endo				
	Stevenson-39 E-mail Thread	495			
	4/28/04				
	Subject, Actiq Abuse				
	In PA				
	ENDO-OPIOID_MDL-				
	02843461-62				

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1	- - -		1	- - -	
2	EXHIBITS (Cont'd.)		2	MS. VANNI: This is Amy	
3	- - -		3	Vanni, I represent Endo and the	
4			4	witness. We learned today that	
5	NO.	DESCRIPTION PAGE	5	Ms. Scullion previously	
6	Endo		6	represented Apothecon, a division	
7	Stevenson-40 E-mail Thread	500	7	of BMS, and more particularly,	
8	5/21/04		8	represented or participated in	
9	EN3218 Preparedness		9	representing Mr. Stevenson, our	
10	Next Steps		10	deponent today, at a deposition	
11	ENDO-OPIOID_MDL-		11	involving an unrelated drug,	
12	02843475-80		12	related to his employment at	
13	Endo		13	Apothecon.	
14	Stevenson-41 E-mail Thread	510	14	We're allowing the	
15	5/22/07		15	deposition to move forward, but	
16	Subject, FDA News Drug		16	ask that in the course of the	
17	Daily Bulletin		17	deposition, that Ms. Scullion met	
18	ENDO-OPIOID_MDL-		18	with Mr. Stevenson, that she not	
19	05554689-93		19	use any confidential information	
20	Endo		20	that she may have obtained from	
21	Stevenson-42 COLT Staff Minutes	516	21	him during her representation here	
22	5/24/07		22	today.	
23	ENDO-OPIOID_MDL-		23	MS. SCULLION: And as I	
24	01915705-06		24	explained off the record	
	Endo				
	Stevenson-43 McKesson 867	520			
	Opana Data Aug				
	To Present 11/3/06 xls				
	ENDO-OPIOID_MDL-04139984				

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<p style="text-align: right;">Page 18</p> <p>1 previously, I did represent, as an  2 associate at a prior law firm,  3 Apothecon. And I do recall  4 Mr. Stevenson, meeting him in the  5 course of that. I don't recall  6 representing you personally during  7 a deposition. But I'm -- I'm just  8 saying I don't recall.  9 As Ms. Vanni explained, the  10 representation with respect to  11 Apothecon did not concern any  12 opioid product, did not concern  13 any pain product; the product at  14 issue there was a generic warfarin  15 sodium product. And the nature of  16 the lawsuit was an antitrust  17 action. And again I was an  18 associate, that was at Solomon,  19 Zauderer, Ellenhorn, Frischer &amp;  20 Sharp.  21 And I have no intention  22 whatsoever of using any  23 confidential information I  24 obtained during the course of that</p>	<p style="text-align: right;">Page 20</p> <p>1 testimony.  2 MS. VANNI: Agreed.  3 MS. SCULLION: Okay. Great.  4 Thanks. I appreciate that.  5 THE VIDEOGRAPHER: Good  6 morning. We are now on the  7 record.  8 My name is Bill Geigert, I'm  9 a videographer for Golkow  10 Litigation Services.  11 Today's date is February 15,  12 2019. And the time is 9:11 a.m.  13 This video deposition is  14 being held in Philadelphia,  15 Pennsylvania, in the matter of  16 National Prescription.  17 The deponent is George  18 Stevenson.  19 Counsel will be noted on the  20 stenographic record.  21 The court reporter is  22 Michelle Gray and she will now  23 swear in the witness.  24 - - -</p>
<p style="text-align: right;">Page 19</p> <p>1 representation for today's  2 deposition.  3 MS. VANNI: Thank you.  4 MS. SCULLION: Just to be  5 clear, my understanding that the  6 statement has been made on the  7 record, but that there's no  8 intention of trying to strike the  9 testimony or deem the deposition  10 in any way unusable based on that  11 prior unrelated representation.  12 MS. VANNI: That's based on  13 your representation that you will  14 not use any confidential  15 information, that's true.  16 MS. SCULLION: Okay. If at  17 any point today there's any  18 concern that I am, I would ask  19 that that be made vocal, so I know  20 and we can resolve it.  21 So, again, I don't want to  22 waste the witness's time, my time,  23 the deposition time, if there's  24 going to be any concern about the</p>	<p style="text-align: right;">Page 21</p> <p>1 ... GEORGE STEVENSON,  2 having been first duly sworn, was  3 examined and testified as follows:  4 - - -  5 EXAMINATION  6 - - -  7 BY MS. SCULLION:  8 Q. Good morning, Mr. Stevenson,  9 I introduced myself to you briefly off  10 the record. And again, as you know, we  11 met before, my name is Jennifer Scullion.  12 A. Good morning, Jennifer.  13 Nice to see you.  14 Q. Very nice to see you as  15 well.  16 Mr. Stevenson, I'm going to  17 hand you what's been marked as Exhibit  18 Number 1.  19 (Document marked for  20 identification as Exhibit  21 Endo-Stevenson-1.)  22 BY MS. SCULLION:  23 Q. Mr. Stevenson, Exhibit  24 Number 1 was handed to us just before the</p>

6 (Pages 18 to 21)

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<p style="text-align: right;">Page 22</p> <p>1 deposition began today. Can you identify 2 Exhibit Number 1 please? 3 A. It's my CV. 4 Q. Okay. So this is a copy of 5 your current CV? 6 A. Yes. 7 Q. And this is something you 8 drafted yourself? 9 A. Yes. 10 Q. And to the best of your 11 knowledge, it's accurate and complete? 12 A. Yes, yes. 13 Q. We're going to get into some 14 of the preliminaries, but just as a 15 reminder in a deposition, if you can let 16 me finish my questions, and then you 17 begin your answers. The primary reason 18 for that is that Michelle, our court 19 reporter, will otherwise not be able to 20 take down both of our statements. 21 Does that make sense? 22 A. Thanks -- thanks for 23 reminding me. 24 Sorry, Michelle.</p>	<p style="text-align: right;">Page 24</p> <p>1 which you were deposed before? 2 A. There was -- I don't 3 remember the year. There was an AWP 4 pricing case that I gave a deposition 5 for. 6 Q. Which -- which employer was 7 that in connection with? 8 A. It was -- it was in 9 conjunction with Geneva, which became 10 Sandoz, and Bristol-Myers Squibb, 11 Apothecan also rep -- was represented 12 there because some of it referred to 13 them. So it was like a dual deposition 14 where both were there. 15 Q. Okay. 16 A. And then before that I gave 17 several depositions with respect to 18 warfarin sodium in the case with BMS and 19 their Apothecan subsidiary versus Barr 20 Laboratories. And before that I gave a 21 deposition in a private matter. 22 Q. And putting aside 23 depositions, have you ever testified in 24 court in connection with your employment</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Terrific. Okay. 2 Mr. Stevenson, have you been 3 deposed before? 4 A. Yes. 5 Q. Approximately how many 6 times? 7 A. Let me see, probably -- let 8 me see, there was -- somewhere in the 9 neighborhood of five or six. 10 Q. Have you ever been deposed 11 before with respect to any opioid 12 products? 13 A. No. 14 Q. Okay. Have you ever been 15 deposed before with respect to any 16 controlled substances? 17 A. No. 18 Q. Have you been deposed at all 19 with respect to any work you did with 20 Endo? 21 A. No. 22 Q. All right. Can you tell me 23 just very generally, as best you can 24 recall, the nature of the proceedings in</p>	<p style="text-align: right;">Page 25</p> <p>1 with Endo? 2 A. No. 3 Q. Have you given any -- any 4 sworn testimony of any kind in writing 5 with respect to your work at Endo? 6 A. No. 7 Q. All right. And just to 8 be -- really make sure, did you ever 9 testify before the New York Attorney 10 General, New York Attorney General with 11 respect to your work for Endo? 12 A. No. 13 Q. Are you represented by 14 counsel today? 15 A. Yes, I am. 16 Q. Who is that? 17 A. McCarter English, Amy Vanni. 18 Q. Fantastic. Okay. And let's 19 just go over some of the basics for 20 deposition. 21 As I said, I'm going to be 22 asking you questions. And I'm going to 23 ask you to answer and answer orally. Is 24 that all right?</p>

7 (Pages 22 to 25)



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<p style="text-align: right;">Page 26</p> <p>1 A. That's fine.</p> <p>2 Q. Okay. So we can't have</p> <p>3 shaking of heads and mm-hmms and</p> <p>4 unh-unhs. Do you understand that?</p> <p>5 A. I do.</p> <p>6 Q. Terrific. And as we</p> <p>7 discussed, we need to try and avoid</p> <p>8 talking over each other. Okay?</p> <p>9 A. I will.</p> <p>10 Q. Thank you. And from time to</p> <p>11 time, Ms. Vanni may have objections.</p> <p>12 Unless she instructs you not to answer</p> <p>13 and you choose to follow that</p> <p>14 instruction, you're going to need to</p> <p>15 answer the question despite any</p> <p>16 objection. Do you understand that?</p> <p>17 A. I do.</p> <p>18 Q. Terrific. And is there any</p> <p>19 reason that you can't give your best</p> <p>20 testimony today? For example, are you</p> <p>21 taking any medications that might</p> <p>22 interfere with your cognitive skills</p> <p>23 today?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And that was over the last</p> <p>2 week or more than a week?</p> <p>3 A. Somewhere in the</p> <p>4 neighborhood of the last two weeks.</p> <p>5 Q. Okay. Was there anyone else</p> <p>6 present at the meetings you had with</p> <p>7 Ms. Vanni?</p> <p>8 A. Yes. And then you want</p> <p>9 to -- Sandra was there and --</p> <p>10 MS. REESE: Kelly Reese.</p> <p>11 BY MS. SCULLION:</p> <p>12 Q. Fantastic. Okay. Was there</p> <p>13 anyone else other than counsel?</p> <p>14 A. There was -- no, there</p> <p>15 was -- other than counsel, no.</p> <p>16 Q. Okay. Was anyone joined by</p> <p>17 phone other than counsel?</p> <p>18 A. No one joined by phone, no.</p> <p>19 Q. Okay. And did you review</p> <p>20 documents in the course of your</p> <p>21 preparation for today's deposition?</p> <p>22 A. I did.</p> <p>23 Q. Did any of those documents</p> <p>24 refresh your recollection about any of</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. If at any point</p> <p>2 today, you don't understand a question</p> <p>3 that I ask, would you please let me know</p> <p>4 that?</p> <p>5 A. Be glad to.</p> <p>6 Q. Terrific. Thank you very</p> <p>7 much. Did you do anything to prepare for</p> <p>8 today's deposition?</p> <p>9 A. I met with -- I met with</p> <p>10 Ms. Vanni, yes.</p> <p>11 Q. And when was that?</p> <p>12 A. Over several days in the</p> <p>13 last couple of weeks.</p> <p>14 Q. You say several days. Was</p> <p>15 it more than two days?</p> <p>16 A. It might have been. I don't</p> <p>17 know. It depends on how you define a</p> <p>18 day.</p> <p>19 Q. On how many different days,</p> <p>20 putting aside how -- length of day, on</p> <p>21 how many different occasions did you meet</p> <p>22 with Ms. Vanni?</p> <p>23 A. I think a total of three</p> <p>24 days.</p>	<p style="text-align: right;">Page 29</p> <p>1 the events that took place when you were</p> <p>2 employed with Endo?</p> <p>3 A. I would say honestly</p> <p>4 vaguely. I didn't have some -- I didn't</p> <p>5 have some, you know, burst of memory that</p> <p>6 it all of the sudden jolted my brain that</p> <p>7 says, oh, yeah, absolutely that's crystal</p> <p>8 clear now. I mean, I -- it came back a</p> <p>9 little bit. But remember we're going</p> <p>10 back -- you know, I left Endo in -- in</p> <p>11 August of 2007, so it's -- you know, it</p> <p>12 was already going -- it's 11 and a half</p> <p>13 years. It's going on 12 years.</p> <p>14 Q. I understand.</p> <p>15 A. So a lot of the -- I started</p> <p>16 in '03. So if you add those years in,</p> <p>17 you're looking at, you know, close to</p> <p>18 16 years.</p> <p>19 Q. Understood. You said that</p> <p>20 your recollection may have been refreshed</p> <p>21 even just vaguely on some things. Can</p> <p>22 you tell me what kinds of things you have</p> <p>23 a little bit more recollection on having</p> <p>24 prepared?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. I don't have any -- I can't 2 give you specific examples. Just in 3 general terms, you know, I saw documents 4 that, you know, some dealt with the 5 brand. I had nothing to do with the 6 brand. So I was -- our focus was -- my 7 focus was on generics. 8 Q. You say you have nothing to 9 do with the brand -- I apologize. Did 10 you finish? 11 A. I think so, yes. 12 Q. I apologize. I think I 13 started to talk over you. You said you 14 had nothing to do with the brand. The 15 brand there, are you referring to Opana? 16 A. Well, just brands in 17 general. Brands -- Endo had the brand -- 18 Endo's brand division or group, which 19 was, you know, 95 percent of the company, 20 maybe more, had, you know, opioids and 21 non-opioids. But they were the brand. 22 And I didn't have anything to do with 23 that activity. So the brands were the 24 brands. And they did their things.</p>	<p style="text-align: right;">Page 32</p> <p>1 personal photographs and things of my 2 wife and kids and left. 3 Q. Okay. Terrific. Did you 4 speak with anyone else other than counsel 5 in preparation for the deposition about 6 the work that you did with Endo? 7 A. No. 8 Q. Since you left Endo, have 9 you been in touch with any of your former 10 colleagues? 11 A. No. You know, they -- I'm a 12 big believer in antitrust. And, you 13 know, we -- you know, I never -- as a 14 matter of fact I saw some yesterday when 15 I was there. And I haven't seen them in, 16 you know, 12 years, whatever it's been 17 since I left. So, no, other than I would 18 wave to them at a convention or 19 something, you know, we didn't have any 20 conversations. 21 Q. You didn't have any ongoing 22 personal relationship with anybody? 23 A. No. 24 Q. And you said that you saw</p>
<p style="text-align: right;">Page 31</p> <p>1 Completely different business in 2 generics. It's completely different 3 models, completely different everything. 4 Q. Okay. We'll look a few -- a 5 few documents later, because I think 6 we've seen some involvement that you had 7 with some of the branded products. We'll 8 look at that a little bit later. 9 In terms of preparing for 10 the deposition, did you yourself go back 11 and look at any documents on your own 12 outside of what Ms. Vanni or counsel may 13 have shown to you? 14 A. I don't have any documents 15 of my own. So there was nothing to 16 review. 17 Q. Okay. You don't keep any 18 diaries or journals that you would have 19 gone back to look at, or did you go back 20 to look at? 21 A. I don't -- I didn't -- no, I 22 don't have any of those journals or 23 diaries. Notebooks I left at Endo. When 24 I left, I left. You know, I had boxes of</p>	<p style="text-align: right;">Page 33</p> <p>1 some folks yesterday. So in the course 2 of going for preparation for the 3 deposition, you saw other folks from 4 Endo? 5 A. As I was leaving. You know, 6 as I was leaving, I got to spend five or 7 10 minutes with former colleagues that 8 were in the -- whatever department 9 they're in now, at the time they were in 10 the finance department. "Hi, how are 11 you? You know, how are you doing? You 12 look great." That kind of stuff. 13 Q. Got it. Who were those 14 folks that you said hi to? 15 A. They would have been Mary Jo 16 Magrone and it was -- the other one was 17 Jody Travis. 18 Q. And you said you recall them 19 from your time at Endo; is that right? 20 A. Yeah, they were there when I 21 left. 22 Q. And they're -- were they in 23 the finance department when you were 24 there?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. Yeah, they were in the 2 finance department. 3 Q. Okay. Got it. Anyone else 4 that you -- that you said hello to at 5 Endo? 6 A. Guy Donatiello, but he's 7 part of their legal counsel team. He was 8 the -- he was the IP lawyer then. He's 9 still the IP lawyer. 10 Q. Got it. 11 A. Not that that's a bad thing. 12 Q. It's not a bad thing at all. 13 Okay. At some point, I 14 assume you were contacted to inform you 15 that you were going to be deposed in this 16 case. Before you were contacted about 17 the deposition, had you heard about this 18 case? 19 A. Vaguely, whatever I heard in 20 the press, that you know -- to be honest, 21 not very much. 22 Q. Okay. What do you recall 23 hearing about it? 24 MS. VANNI: Object to form.</p>	<p style="text-align: right;">Page 36</p> <p>1 MS. VANNI: Object to form. 2 THE WITNESS: I understand 3 based on -- based on our meeting 4 with counsel, yes. 5 MS. VANNI: I just want 6 to -- I just want to remind you. 7 Don't disclose anything that we 8 personally discussed. 9 THE WITNESS: Yeah, yeah, 10 yeah, yeah. 11 BY MS. SCULLION: 12 Q. Okay. Outside of this 13 litigation, are you generally familiar 14 with the fact that there's an opioid 15 epidemic in the country? 16 MS. VANNI: Object to form. 17 THE WITNESS: Only what I've 18 heard on TV that there's a problem 19 with opioids. 20 MS. SCULLION: Okay. Can I 21 have the subpoena, please. 22 BY MS. SCULLION: 23 Q. Mr. Stevenson, were you 24 provided a copy of the subpoena that was</p>
<p style="text-align: right;">Page 35</p> <p>1 THE WITNESS: Just the 2 various -- the various government 3 entities were pursuing, you know, 4 different pharmaceutical 5 companies. More or less, that's 6 just it, you know. 7 BY MS. SCULLION: 8 Q. Okay. And what's your 9 understanding of what the governmental 10 entities are pursuing the companies for? 11 A. I didn't really pay that 12 much attention to it. I'm not involved 13 with opioids. You know, when I was 14 Kremers Urban, I wasn't involved in 15 opioids. Controlled drugs, yes, but not 16 opioid. 17 So, you know, I didn't -- I 18 don't believe most of the stuff that I 19 read in the press anyway. So I didn't 20 really -- I didn't really focus on it. 21 Q. Do you have -- do you have 22 an understanding that the case at its 23 core involves allegations concerning the 24 opioid epidemic in this country?</p>	<p style="text-align: right;">Page 37</p> <p>1 served in this case for your deposition 2 and documents? 3 A. I -- yes, I was -- I was 4 shown a copy, yes. Mm-hmm. 5 Q. Okay. 6 (Document marked for 7 identification as Exhibit 8 Endo-Stevenson-2.) 9 BY MS. SCULLION: 10 Q. Let me hand you what's been 11 marked as Exhibit Number 2. Exhibit 12 Number 2, Mr. Stevenson, is a copy of the 13 subpoena to testify at deposition in a 14 civil action. It's addressed to you, 15 care of Arnold &amp; Porter Kaye Scholer. Do 16 you understand that Arnold &amp; Porter Kaye 17 Scholer is also counsel for Endo in this 18 case? 19 A. Yes. 20 Q. Okay. Terrific. And is 21 the -- did you see the subpoena before 22 today's deposition? 23 A. Yes. 24 Q. All right. And you</p>

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<p style="text-align: right;">Page 38</p> <p>1 understand that in addition to asking for</p> <p>2 your testimony, it asks for documents?</p> <p>3 A. What kind of documents?</p> <p>4 Q. Sure. Sorry. Let's go</p> <p>5 to -- on the very first page of</p> <p>6 Exhibit 2, you see where it says in</p> <p>7 italics on the left-hand side</p> <p>8 "production"?</p> <p>9 A. Yes.</p> <p>10 Q. And it says, "You or your</p> <p>11 representative must produce the</p> <p>12 documents, electronically-stored</p> <p>13 information, or objects identified in</p> <p>14 Attachment A prior to the date of the</p> <p>15 deposition but no later than February 10,</p> <p>16 2019."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And if you turn back</p> <p>20 in Exhibit 2 to what's labeled at the top</p> <p>21 Attachment A.</p> <p>22 A. Yes.</p> <p>23 Q. And then you'll see that</p> <p>24 page, and then really the next page under</p>	<p style="text-align: right;">Page 40</p> <p>1 materials or educational materials from</p> <p>2 Endo at home?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. Because first of all, in</p> <p>6 generics, we don't do promotion.</p> <p>7 Generics is a different business.</p> <p>8 That's -- the brand business does</p> <p>9 promotion.</p> <p>10 And we didn't have any</p> <p>11 educational -- that's what the brand</p> <p>12 does. They had educational material when</p> <p>13 they called on physicians or whatever</p> <p>14 they have in their -- you know, in their</p> <p>15 arsenal when they visited physicians.</p> <p>16 But in generics we didn't have that. You</p> <p>17 know, it's generics. It's more of a</p> <p>18 shoestring operation from a cost</p> <p>19 standpoint, pricing standpoint. So all</p> <p>20 those things which are very expensive</p> <p>21 would not be in the generics business.</p> <p>22 </p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 39</p> <p>1 Roman Numeral II, documents requested,</p> <p>2 there's five categories of documents.</p> <p>3 The question is just, did</p> <p>4 you search for documents that might be</p> <p>5 responsive to the subpoena?</p> <p>6 A. I never had a personal</p> <p>7 e-mail. I only got one when I stopped</p> <p>8 working at Kremers Urban as the president</p> <p>9 and CEO. I never had one before that.</p> <p>10 So whatever was on my e-mail was at Endo.</p> <p>11 I left it there. And they have it all.</p> <p>12 So I never stored -- for that very</p> <p>13 reason. I didn't want to have documents</p> <p>14 at home.</p> <p>15 Q. Okay.</p> <p>16 A. I don't have any documents</p> <p>17 to search for.</p> <p>18 Q. Terrific. And then at the</p> <p>19 bottom of that same page, it asks for</p> <p>20 tangible things, Roman Numeral III,</p> <p>21 tangible things.</p> <p>22 A. Yes.</p> <p>23 Q. The question here is, did</p> <p>24 you have any samples of promotional</p>	<p style="text-align: right;">Page 41</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>Page 42</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 44</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 43</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 45</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p style="text-align: right;">Page 46</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 Q. Got it. Okay.</p> <p>7 All right. You mentioned</p> <p>8 that you left Endo in August of 2007.</p> <p>9 And just to be sure, do you have any</p> <p>10 current financial connections with Endo</p> <p>11 or Par?</p> <p>12 A. No.</p> <p>13 Q. All right. Do you hold any</p> <p>14 stock in either company?</p> <p>15 A. No.</p> <p>16 Q. Okay. Are you being paid</p> <p>17 for your time in connection with this</p> <p>18 deposition at all?</p> <p>19 A. No. I tried, but no.</p> <p>20 Q. Good for you.</p> <p>21 A. But I'll take -- I'll</p> <p>22 definitely take a donation if you want to</p> <p>23 make one.</p> <p>24 Q. Well, do you have an</p>	<p style="text-align: right;">Page 48</p> <p>1 A. That's correct.</p> <p>2 Q. Does GeneriCo currently have</p> <p>3 any business relationships with Endo?</p> <p>4 A. No.</p> <p>5 Q. Does it have any business</p> <p>6 relationship with Par?</p> <p>7 A. No.</p> <p>8 Q. Is GeneriCo currently</p> <p>9 negotiating any potential relationship</p> <p>10 with either Endo or Par?</p> <p>11 A. No.</p> <p>12 Q. Okay. Does GeneriCo have</p> <p>13 any involvement in the pain industry?</p> <p>14 A. No.</p> <p>15 Q. Okay. And -- and by</p> <p>16 definition, they're also not in any</p> <p>17 opioids, correct?</p> <p>18 A. No. No opioids.</p> <p>19 Q. All right. Okay. Do you</p> <p>20 currently have any positions in any</p> <p>21 industry groups other than being a member</p> <p>22 of any industry group?</p> <p>23 A. Nope.</p> <p>24 Q. Are you -- are you currently</p>
<p style="text-align: right;">Page 47</p> <p>1 expectation of being paid in connection</p> <p>2 with your testimony?</p> <p>3 A. No. In all seriousness, no.</p> <p>4 Q. Okay. And I -- I heard what</p> <p>5 you said, but just so we're clear on the</p> <p>6 record. You have no expectation of</p> <p>7 anyone making a donation to anyone on --</p> <p>8 on your behalf --</p> <p>9 A. No.</p> <p>10 Q. -- in connection with the</p> <p>11 deposition?</p> <p>12 A. I'm not expecting any</p> <p>13 remuneration from anybody.</p> <p>14 Q. Okay. Okay. That has come</p> <p>15 up in recent cases. That's why I asked</p> <p>16 the question. Not in this case.</p> <p>17 MS. SCULLION: Sandra is</p> <p>18 looking at me like what is she</p> <p>19 talking about.</p> <p>20 MS. VANNI: Yeah.</p> <p>21 BY MS. SCULLION:</p> <p>22 Q. You currently for -- I'm</p> <p>23 sorry, you're currently chairman of the</p> <p>24 board for GeneriCo; is that right?</p>	<p style="text-align: right;">Page 49</p> <p>1 personally a member of any industry</p> <p>2 groups?</p> <p>3 A. No. I get an e-mail</p> <p>4 everyday about the generic industry. I</p> <p>5 still get it from the -- the successor to</p> <p>6 GPhA, it's now called Association of</p> <p>7 Accessible Medicines. I still get their</p> <p>8 daily brief or whatever it's called. But</p> <p>9 just, you know, that's it.</p> <p>10 Q. Is that still called The</p> <p>11 Pink Sheet?</p> <p>12 A. No. They have -- they have</p> <p>13 an update on everything in the</p> <p>14 pharmaceutical business or generic</p> <p>15 business and...</p> <p>16 Q. Okay. Let's go back to</p> <p>17 Exhibit Number 1, your CV.</p> <p>18 A. Sure.</p> <p>19 Q. And as we go through today,</p> <p>20 just, it will help to keep a pile of</p> <p>21 exhibits. Because we might come back to</p> <p>22 them.</p> <p>23 A. Okay.</p> <p>24 Q. Just to give you the</p>

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<p>1 heads-up there.</p> <p>2 So just -- just starting</p> <p>3 back on the last page of Exhibit 1,</p> <p>4 you -- you, it looks like, were born and</p> <p>5 raised in Philly?</p> <p>6 A. No. Actually I was born in</p> <p>7 Haddington, Scotland, but --</p> <p>8 Q. Okay.</p> <p>9 A. -- I was six weeks old when</p> <p>10 I came over. My parents came over.</p> <p>11 Q. Terrific. And then you were</p> <p>12 raised here?</p> <p>13 A. Yeah, I grew up in Northeast</p> <p>14 Philadelphia.</p> <p>15 Q. Okay. And you -- then you</p> <p>16 went to St. Joe's?</p> <p>17 A. Yes.</p> <p>18 Q. And on to Drexel, right?</p> <p>19 A. Yeah.</p> <p>20 Q. All right. I also see that</p> <p>21 you, for a period -- good period of time,</p> <p>22 you were an associate professor at Drexel</p> <p>23 for economics and marketing; is that</p> <p>24 right?</p>	<p>1 products, right?</p> <p>2 A. No opioids, no.</p> <p>3 Q. Okay. And then you went to</p> <p>4 United Research Laboratories, right?</p> <p>5 A. Correct.</p> <p>6 Q. It says you were group</p> <p>7 manager for contracts, marketing, and</p> <p>8 pricing. Did -- did that position have</p> <p>9 anything to do with any opioid products?</p> <p>10 A. We may have had a C-V or</p> <p>11 C-IV drug. But, you know, it's a long</p> <p>12 time ago. I don't remember.</p> <p>13 Q. Okay.</p> <p>14 A. It was -- we didn't have</p> <p>15 C-II.</p> <p>16 Q. And just so we're all clear,</p> <p>17 C-II, C-IV, C-V, these are references to</p> <p>18 the schedules under the federal</p> <p>19 Controlled Substances Act, correct?</p> <p>20 A. Right, yes.</p> <p>21 Q. And C-II, that is a fairly</p> <p>22 restricted category that's scheduled,</p> <p>23 correct?</p> <p>24 A. Very restricted.</p>
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<p>1 A. 15 years, yeah.</p> <p>2 Q. Terrific. And did you</p> <p>3 include teaching there on pharmaceutical</p> <p>4 marketing?</p> <p>5 A. No, no, no. I taught</p> <p>6 economics. I taught undergraduate --</p> <p>7 well, the marketing was related into a</p> <p>8 couple economics courses. It wasn't a</p> <p>9 direct marketing course.</p> <p>10 Q. Okay.</p> <p>11 A. It was mostly microeconomics</p> <p>12 and macroeconomics, and then some</p> <p>13 international business courses which were</p> <p>14 more marketing oriented so that's why I</p> <p>15 wrote that.</p> <p>16 Q. Terrific. Okay. And then</p> <p>17 just looking back at your employment</p> <p>18 history, you start off at ASTM, right,</p> <p>19 for a period?</p> <p>20 A. Correct.</p> <p>21 Q. You went onto SUN Company?</p> <p>22 A. Right.</p> <p>23 Q. Neither of those positions</p> <p>24 obviously involved any -- any opioid</p>	<p>1 Q. Okay. And we're going to</p> <p>2 talk about them more, but some of the</p> <p>3 products that you were involved with at</p> <p>4 Endo were -- were C-II products, correct?</p> <p>5 A. Correct.</p> <p>6 Q. So Endocet was a C-II</p> <p>7 product, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Sorry. Morphine sulfate</p> <p>10 extended-release was a C-II, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Generic oxycodone ER was a</p> <p>13 C-II, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And then we -- we</p> <p>16 said Endocet, Endo was also selling</p> <p>17 Percocet at the time you were working</p> <p>18 with them?</p> <p>19 A. That was the brand.</p> <p>20 Q. Right.</p> <p>21 A. Okay.</p> <p>22 Q. That was a brand. That was</p> <p>23 a C-II, correct?</p> <p>24 A. Yes.</p>



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<p>1 Q. All right. And that was the 2 brand equivalent of Endocet, right? 3 A. Well, actually Endocet was 4 the generic equivalent of Percocet. 5 That's -- 6 Q. Well put. Okay. 7 And -- and each of those, 8 they were an oxycodone APAP combo 9 product; is that right? 10 A. Oxycodone IR was 11 acetaminophen, or APAP combo product, 12 yeah. 13 Q. Right. Thank you. 14 A. For -- with respect to 15 Endocet. 16 Q. Understood. 17 A. And Percocet. 18 Q. Right. 19 A. Percocet was -- was the 20 brand name for the generic chemical 21 entity. 22 Q. Right. And then I mentioned 23 earlier Opana. You recall that while you 24 were employed with Endo, it sold two</p>	<p>1 Q. Okay. And -- but you recall 2 that Opana and Opana ER were also C-II 3 products? 4 A. Yes. 5 Q. Okay. Okay. So sorry. 6 So after your position at 7 United Research Labs, you then joined 8 Apothecon, which was a division of 9 Bristol-Myers Squibb, correct? 10 A. Yeah. Mm-hmm. 11 Q. All right. And you were 12 there from 1996 to 2000, correct? 13 A. Correct. 14 Q. And your time there did not 15 involve any controlled substances, 16 correct? 17 A. No controlled substances. 18 Q. Okay. And then moving ahead 19 to Page 2 of your CV. 20 A. Excuse me. Can I go back? 21 Q. Yes, go ahead. Absolutely. 22 A. You -- controlled substances 23 or opioids? 24 Q. Let's just start with --</p>
Page 55	Page 57
<p>1 products, one called Opana, and another 2 one called Opana ER? 3 A. I had nothing -- yeah, I -- 4 they were selling it, but I had nothing 5 to do with that. 6 Q. Okay. And I'm just -- if 7 you can just answer the questions as I 8 ask them. I -- if you don't have 9 anything to do with it, you'll let me 10 know. But I'm just making sure you 11 recall that they sold those products. 12 A. Yes. Yeah. 13 Q. Okay. 14 A. So the -- the answer, to be 15 clear, they sold the products -- 16 Q. Right. 17 A. -- that was the brand 18 people. 19 Q. Right. 20 A. I didn't have anything to do 21 with generics. 22 Q. Okay. 23 A. So it wasn't a generic 24 product.</p>	<p>1 let's talk about opioids. Any opioids 2 at -- at Apothecon? 3 A. No. For the record, they 4 did have a controlled substance which was 5 methylphenidate which is a C-II, but it's 6 for attention deficit. 7 Q. Thank you very much. I 8 appreciate that. 9 And then you joined, after 10 Apothecon, you joined Sandoz, correct? 11 A. Yes. 12 Q. All right. And at Sandoz 13 did you have responsibility for any 14 opioid products? 15 A. No. I have to think about 16 it. Excuse me, I have to think about it 17 for one moment. 18 Q. Sure. 19 A. I would say no. 20 Q. Okay. If at any -- if at 21 some point today, it occurs to you, will 22 you just let me know? 23 A. Be glad to. 24 Q. Okay. Thanks a lot.</p>

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<p style="text-align: right;">Page 58</p> <p>1 And then -- and then after</p> <p>2 Sandoz, you joined Endo Pharmaceuticals.</p> <p>3 And that was in 2003, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. All right. And you stayed</p> <p>6 with Endo, you said, August 2007, right?</p> <p>7 A. Correct.</p> <p>8 Q. And were you vice president</p> <p>9 generics business and trade affairs for</p> <p>10 that entire period?</p> <p>11 A. No. I was the vice -- I was</p> <p>12 vice president of generics for the entire</p> <p>13 period. The trade affairs was the last,</p> <p>14 I would say, nine months or so, ten</p> <p>15 months. They had, like, a little</p> <p>16 reorganization at the time. At the time</p> <p>17 when I arrived at Endo -- and this is</p> <p>18 just for the record, but, you know, when</p> <p>19 I arrived at Endo, they had a director of</p> <p>20 corporate accounts. And they -- under</p> <p>21 corporate accounts, they had managed care</p> <p>22 accounts, which, you know, for people who</p> <p>23 don't know who they are, they're the</p> <p>24 Aetnas, CIGNAs and United Healthcare and</p>	<p style="text-align: right;">Page 60</p> <p>1 let's say, November or somewhere in that</p> <p>2 time frame of '06 until the time I left,</p> <p>3 I then had trade affairs.</p> <p>4 Q. Okay. And you've used the</p> <p>5 terms trade and retail. Those refer to</p> <p>6 the same thing, and that is the chains?</p> <p>7 A. Chains and wholesalers,</p> <p>8 yeah.</p> <p>9 Q. Okay.</p> <p>10 A. They're commonly called the</p> <p>11 trade.</p> <p>12 Q. Okay. And so you -- so I</p> <p>13 just want to make sure I understand. So</p> <p>14 the trade/retail would include, as you</p> <p>15 said, wholesalers like AmerisourceBergen,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. McKesson?</p> <p>19 A. Correct.</p> <p>20 Q. Cardinal Health?</p> <p>21 A. Cardinal Health.</p> <p>22 Q. All right. Would it also</p> <p>23 include the national chains such as Rite</p> <p>24 Aid?</p>
<p style="text-align: right;">Page 59</p> <p>1 Blue Cross Blue Shields kind of accounts.</p> <p>2 They're called managed care.</p> <p>3 And then they had what's</p> <p>4 called the trade accounts, which are the</p> <p>5 wholesalers, AmerisourceBergen, McKesson,</p> <p>6 those kind of accounts, plus the chains,</p> <p>7 the CVS, Walgreens, Rite Aids of the</p> <p>8 world. And they had that all under</p> <p>9 corporate accounts.</p> <p>10 When the director of</p> <p>11 corporate accounts left, which I believe,</p> <p>12 from my recollection, is sometime in late</p> <p>13 2006, to pursue another opportunity, the</p> <p>14 feeling at the time was to segregate the</p> <p>15 retail accounts from the managed care</p> <p>16 accounts because they wanted to have more</p> <p>17 of a focus on managed care. And they</p> <p>18 thought the retail accounts were a</p> <p>19 distraction to managed care for the</p> <p>20 individuals involved. So because of my</p> <p>21 knowledge and experience in retail</p> <p>22 accounts, they asked me to have those</p> <p>23 three people report to me.</p> <p>24 So for the last -- from,</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yes.</p> <p>2 Q. Walgreens?</p> <p>3 A. Yes.</p> <p>4 Q. Walmart?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So now I think I have</p> <p>7 an understanding of what we are talking</p> <p>8 about.</p> <p>9 A. And all that's commonly</p> <p>10 called, for ease of -- for those of us in</p> <p>11 the business, the trade.</p> <p>12 Q. Fantastic. Okay.</p> <p>13 And before taking on the</p> <p>14 responsibilities for -- formally as --</p> <p>15 for trade affairs, had you had experience</p> <p>16 working with the trade in the past, I</p> <p>17 think you said?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. All right. How did</p> <p>20 you come to join Endo in 2003?</p> <p>21 A. I was recruited.</p> <p>22 Q. Who recruited you?</p> <p>23 A. Oh, I don't remember. It</p> <p>24 was a recruiting firm in Philadelphia.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Okay. It wasn't anyone 2 specific at Endo that recruited you? 3 A. No. 4 Q. Did you know anyone at Endo 5 before you joined? 6 A. I might have known them from 7 being in the business. You know, I 8 may -- oh, yeah, they are at Endo. No, I 9 didn't have any personal relationship 10 with anybody. 11 Q. Okay. When you -- when you 12 did join Endo, did was there anyone 13 specific within Endo who hired you? 14 A. The decision was made by 15 Peter Lankau, who was the CEO of the 16 company. 17 Q. Okay. When you joined Endo, 18 was Carol Ammon still with the company? 19 A. Yes, actually, I misspoke. 20 Carol Ammon was the president and CEO, 21 and Peter was the VP of business 22 operations. But Carol was phasing out, 23 and Peter was going to become the new 24 CEO. So I said he was the CEO of the</p>	<p style="text-align: right;">Page 64</p> <p>1 strategies, yeah. 2 BY MS. SCULLION: 3 Q. And you said you left Endo 4 in August of 2007. Why did you leave 5 Endo? 6 A. The opportunity to become 7 the president and CEO of Kremers Urban 8 Pharmaceuticals. 9 Q. Were you asked to leave 10 Endo? 11 A. No. 12 Q. Did anyone suggest that you 13 leave Endo? 14 A. No. Came, I think, as a 15 complete shock that I left. 16 Q. And as you said, then you 17 went straight from Endo to Kremers Urban, 18 correct? 19 A. Right. They were a 20 subsidiary of UCB, which is a 21 Brussels-based biotech. We were the 22 generic division of the United States. 23 Q. And you stayed with Kremers 24 Urban for about 11 years, through 2016.</p>
<p style="text-align: right;">Page 63</p> <p>1 company. He was responsible the 2 hiring -- for my hiring into the company. 3 Q. Okay. Carol Ammon, she was 4 one of the cofounders of Endo; is that 5 right? 6 A. Yes. 7 Q. Right. Had you -- did you 8 meet with her personally when you worked 9 at Endo? 10 A. Oh, yes. Yes. I went 11 through the interview process with her. 12 Q. Fair to say Ms. Ammon was 13 very knowledgeable about her business? 14 MS. VANNI: Objection to 15 form. 16 THE WITNESS: She was very 17 knowledgeable, yes. 18 BY MS. SCULLION: 19 Q. She was, to your knowledge, 20 pretty involved in the strategies that 21 helped get Endo off the ground? 22 MS. VANNI: Object to form. 23 THE WITNESS: I would say 24 she was knowledgeable in the</p>	<p style="text-align: right;">Page 65</p> <p>1 I'm sorry, nine years to 2016. 2 A. Yes. 3 Q. Bad math. Sorry about that. 4 A. That's all right. It's 5 okay. You're forgiven. 6 Q. Thank you. And you were 7 president and CEO there, as you said, 8 correct? 9 A. Correct. 10 Q. Did Kremers Urban 11 Pharmaceuticals, while you were president 12 and CEO, sell any opioid products? 13 A. No. 14 Q. And did it have any 15 relationship with Endo during that 16 period? 17 A. No. 18 Q. With Par? 19 A. No. 20 Q. And then you left Kremers 21 Urban -- I'm sorry, when did you leave 22 Kremers Urban? It says 2016. But when? 23 A. I left when Lannett acquired 24 Kremers Urban, and the day of the close,</p>

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<p style="text-align: right;">Page 66</p> <p>1 you know, I left. They had a CEO, and I</p> <p>2 had a contract and employment agreement.</p> <p>3 And so, you know, I was a -- we had a</p> <p>4 mutual understanding that it was -- you</p> <p>5 know, as I told their CEO, there can only</p> <p>6 be one CEO at a time. So I understood.</p> <p>7 So I had a noncompete for a</p> <p>8 year, and then I was asked -- I had the</p> <p>9 opportunity to become the chairman of the</p> <p>10 board of GeneriCo, which is a generic</p> <p>11 startup. And I'm still in that capacity</p> <p>12 to this day.</p> <p>13 Q. Got it. And just -- so I</p> <p>14 think you mentioned, but in -- sometime</p> <p>15 in 2016, Lannett acquired Kremers Urban;</p> <p>16 is that right?</p> <p>17 A. No.</p> <p>18 Q. 2015?</p> <p>19 A. 2015.</p> <p>20 Q. Right.</p> <p>21 A. I think the transaction was</p> <p>22 announced in September. And the close</p> <p>23 was on or about December 1st of 2015.</p> <p>24 Q. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 identification as Exhibit</p> <p>2 Endo-Stevenson-3.)</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. I want to hand you what's</p> <p>5 been marked as Exhibit Number 3.</p> <p>6 A. Okay.</p> <p>7 Q. And, Mr. Stevenson, do you</p> <p>8 see Exhibit Number 3 is, I'll represent</p> <p>9 to you it's a printout from GeneriCo's</p> <p>10 website. It's a description of the board</p> <p>11 of directors. Have you seen this before?</p> <p>12 A. Probably. Not in printed</p> <p>13 form. But yes.</p> <p>14 Q. All right. You see at the</p> <p>15 bottom of the first page, the heading,</p> <p>16 board of directors, and on the left-hand</p> <p>17 side, that's you, George R. Stevenson,</p> <p>18 chairman of the board, correct?</p> <p>19 A. That's me, yes.</p> <p>20 Q. All right. And then there's</p> <p>21 a brief bio under your name that starts</p> <p>22 at the bottom of the first page, and it</p> <p>23 continues onto the next page. I just</p> <p>24 want to confirm that you agree with</p>
<p style="text-align: right;">Page 67</p> <p>1 A. By the time that I processed</p> <p>2 the paperwork and all that stuff, it was</p> <p>3 into 2016 when I left, officially left</p> <p>4 the company.</p> <p>5 Q. Okay. And then you said you</p> <p>6 had a noncompete. So you just sort of</p> <p>7 didn't have employment for that year</p> <p>8 during the noncompete; is that right?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And then you said</p> <p>11 that you joined GeneriCo as chairman of</p> <p>12 the board in 2017, right?</p> <p>13 A. Correct.</p> <p>14 Q. And I think that you</p> <p>15 confirmed before. But again, GeneriCo</p> <p>16 has -- does it have any opioid products?</p> <p>17 A. No opioids.</p> <p>18 Q. Is it working on any opioid</p> <p>19 products, without specifying?</p> <p>20 A. No, they're not.</p> <p>21 Q. All right.</p> <p>22 MS. SCULLION: Could I have</p> <p>23 Tab 62, please.</p> <p>24 (Document marked for</p>	<p style="text-align: right;">Page 69</p> <p>1 what's stated in the bio here.</p> <p>2 It says in the second</p> <p>3 sentence, "Mr. Stevenson brings deep</p> <p>4 generic and brand pharmaceutical</p> <p>5 experience to the GeneriCo board and is a</p> <p>6 seasoned and successful executive with</p> <p>7 over 20 years of leadership in this</p> <p>8 dynamic marketplace."</p> <p>9 That's an accurate</p> <p>10 characterization of you, correct?</p> <p>11 A. Yes. I understand the brand</p> <p>12 business, yes. So yeah, I would say yes,</p> <p>13 that's -- that's accurate.</p> <p>14 Q. If you'll go a little</p> <p>15 further down the bio sort of summarizes</p> <p>16 your work experience. If you go towards</p> <p>17 the bottom of the bio. It says, "As vice</p> <p>18 president of Endo generic products,</p> <p>19 George was charged with full</p> <p>20 responsibility for the generics business</p> <p>21 including strategy, account management,</p> <p>22 marketing, and the identification and</p> <p>23 development of new products."</p> <p>24 Is that also an accurate</p>

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<p style="text-align: right;">Page 70</p> <p>1 description of your time at Endo?</p> <p>2 A. Yes.</p> <p>3 Q. Can you just explain to me,</p> <p>4 when it refers here to marketing in the</p> <p>5 generics business, what did that mean,</p> <p>6 when you were at Endo?</p> <p>7 A. It doesn't mean -- there's a</p> <p>8 difference -- what it means is that it</p> <p>9 mostly deals with the pricing and getting</p> <p>10 business into accounts. It's not what</p> <p>11 normally is referred to as marketing like</p> <p>12 on the brand side where there's</p> <p>13 promotion. There's no promotional in</p> <p>14 generics because you're competing against</p> <p>15 yourself. There's normally no more than</p> <p>16 one. So there's no sense in promotion.</p> <p>17 There's no sales -- there's no sales, you</p> <p>18 know, paraphernalia that's given out.</p> <p>19 There's no representation to doctors.</p> <p>20 On the brand side, they have</p> <p>21 thousands or hundreds or whatever number</p> <p>22 of sales reps that are calling</p> <p>23 physicians. On generics, we had three</p> <p>24 national account executives.</p>	<p style="text-align: right;">Page 72</p> <p>1 earlier, helped develop those, or</p> <p>2 developed those, based on the</p> <p>3 FDA-approved label, okay, so -- otherwise</p> <p>4 they can get in big trouble.</p> <p>5 So you can only promote</p> <p>6 what's on the label. You cannot promote</p> <p>7 anything other than what's on the label.</p> <p>8 Q. Right.</p> <p>9 A. So that's what they do.</p> <p>10 Yes.</p> <p>11 Q. All right. And just to make</p> <p>12 sure we are on the same page on promoting</p> <p>13 according to the label. I mean, I've</p> <p>14 heard the phrase that the label defines</p> <p>15 the product, is that something you've</p> <p>16 heard?</p> <p>17 MS. VANNI: Object to form.</p> <p>18 THE WITNESS: Yeah.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Yeah?</p> <p>21 A. I would say some people use</p> <p>22 that phrase, yeah.</p> <p>23 Q. Okay. And -- and it's very</p> <p>24 clear that a company cannot promote its</p>
<p style="text-align: right;">Page 71</p> <p>1 So marketing and generics is</p> <p>2 completely different than what is</p> <p>3 normally involved in the brand; however,</p> <p>4 the marketing is, make sure people know</p> <p>5 you have the product, that you're coming</p> <p>6 with the product. And it's more getting</p> <p>7 the product placed in the trade accounts,</p> <p>8 as we described them earlier.</p> <p>9 Essentially in generics,</p> <p>10 that's what marketing is.</p> <p>11 Q. Okay. So if I understand</p> <p>12 you correctly, on the brand side, there's</p> <p>13 marketing that takes the form of sales</p> <p>14 representatives, for example, going out</p> <p>15 to detail healthcare providers about the</p> <p>16 product, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And they might be</p> <p>19 using specific promotional materials in</p> <p>20 the course of doing that?</p> <p>21 A. Yeah. They would use</p> <p>22 specific promotional materials, which are</p> <p>23 very strictly controlled. Where the</p> <p>24 scientific people, we talked about</p>	<p style="text-align: right;">Page 73</p> <p>1 product inconsistent with what's in the</p> <p>2 label approved by the FDA, correct?</p> <p>3 MS. VANNI: Object to form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. SCULLION:</p> <p>6 Q. Okay. To do that is called</p> <p>7 off-label marketing, correct?</p> <p>8 A. Yes.</p> <p>9 Q. It's unlawful, correct?</p> <p>10 MS. VANNI: Object to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. SCULLION:</p> <p>13 Q. Would you agree that it's</p> <p>14 also unethical?</p> <p>15 MS. VANNI: Object to form.</p> <p>16 THE WITNESS: It's a</p> <p>17 judgment call. I guess so. I --</p> <p>18 I don't know. I wasn't involved</p> <p>19 in it.</p> <p>20 BY MS. SCULLION:</p> <p>21 Q. Okay.</p> <p>22 A. So, you know, in every</p> <p>23 Pharma company I worked at, they went to</p> <p>24 great lengths, okay. I was part of the</p>

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<p style="text-align: right;">Page 74</p> <p>1 brand Pharma company in Bristol-Myers 2 Squibb, in Sandoz -- Geneva Sandoz was 3 part of Novartis, at Endo, wherever it 4 was, the brand company went to great 5 lengths and spent tremendous amounts of 6 money to make sure that the sales reps 7 promoted according to the label. 8 And anybody who went off 9 that script was -- was severely punished, 10 including -- up to and including 11 termination. 12 Q. Okay. 13 A. And actually went to great 14 lengths, I know at Endo, in monitoring 15 that kind of activity to make sure that 16 did not occur. Because Endo, in the big 17 scheme of things, was not that big a 18 company and they couldn't -- they didn't 19 want to have any issues along the lines 20 you described. 21 So most pharmaceutical 22 companies take the same approach. They 23 go to great lengths to ensure that that 24 off-label promotion does not happen.</p>	<p style="text-align: right;">Page 76</p> <p>1 before. When I was at Kremers, we did 2 that where, you know, under a CDA, a 3 large account, we would tell them this is 4 what we're working on in the pipeline, to 5 get their reaction, is that something 6 they'd be interested in. And also to let 7 them know it was coming, you know, so 8 that they -- that's the kind of 9 marketing. 10 We did some reminder ads in 11 journals which were, you know, they were 12 very expensive. In the case of Endo, I 13 remember they -- you know, they called 14 them three-piece, three-piece entities 15 because of all the different things that 16 had to go into the ads because they 17 were -- it was -- it was an opioid, which 18 was standard. So we didn't run that many 19 of them, because it was -- it was 20 expensive. You know, 30-, 40,000. In 21 the generics business that's -- that's a 22 lot of money. The ad budget is not 23 that -- normally not that high. 24 So, yeah, that's the kind</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Okay. Now, as you said, 2 when you were at Endo, you were not 3 personally professionally involved in the 4 sales and promotion of the branded 5 products, correct? 6 A. Correct. 7 Q. Okay. So then, that was 8 describing the marketing for branded. 9 Then you were explaining to me what 10 marketing means on the generic side. 11 To make sure I understand, 12 that involves marketing to the trade 13 accounts in order to, to what, to be 14 stocked by them, to placed by them? What 15 are you marketing them for? 16 A. Yeah. You know, we -- yeah, 17 that they know we have the product, 18 that -- that we're always searching for 19 opportunities to get product, you know, 20 does somebody need product, do they not 21 like their current supplier. You know, 22 under CDA we would tell them about future 23 products. I don't know if we did that at 24 Endo, but, you know, I'd done that</p>	<p style="text-align: right;">Page 77</p> <p>1 of, you know, pricing, you know, we 2 talked about pricing and how we can, you 3 know, work something involving getting -- 4 with our product to make sure that if we 5 were challenged by our competition, you 6 know, how we could retain the business 7 and -- and customer relations, customer 8 interaction. That was -- in generic, 9 more or less, that's what marketing is. 10 Q. Okay. And I'm sorry, you 11 mentioned a CDA. Is that like a 12 confidentiality agreement? 13 A. Confidentiality, yeah. 14 Q. Great, thanks. And I think 15 you were explaining to me that in terms 16 of getting and retaining the trade 17 business, that one of the important 18 things you were focused on was the 19 relationship with that trade customer, 20 correct? 21 MS. VANNI: Object to form. 22 THE WITNESS: Yes. 23 BY MS. SCULLION: 24 Q. And that -- that was true</p>



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<p style="text-align: right;">Page 78</p> <p>1 while you were at Endo?</p> <p>2 A. It's been true before Endo</p> <p>3 and after Endo and at Endo.</p> <p>4 Q. Okay. And is -- was part of</p> <p>5 the relationship providing educational</p> <p>6 materials that could be used for example,</p> <p>7 at pharmacies?</p> <p>8 A. No.</p> <p>9 Q. Okay. Did --</p> <p>10 MS. SCULLION: I thought the</p> <p>11 door was opening, it's not.</p> <p>12 BY MS. SCULLION:</p> <p>13 Q. Did -- did Endo -- strike</p> <p>14 that. We'll look at some of the</p> <p>15 documents in a bit.</p> <p>16 MS. SCULLION: Can I have</p> <p>17 Tabs 26 and 27, please.</p> <p>18 BY MS. SCULLION:</p> <p>19 Q. I want to go back and talk</p> <p>20 more about your -- your role at Endo and</p> <p>21 what it entailed. Hopefully I'm not</p> <p>22 going to knock the computer out with my</p> <p>23 binder here.</p> <p>24 Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 product is stocked.</p> <p>2 BY MS. SCULLION:</p> <p>3 Q. And -- I'm sorry.</p> <p>4 A. So there was no promotional</p> <p>5 activity by the national account</p> <p>6 executives to anybody.</p> <p>7 Q. But you -- but you had</p> <p>8 responsibility for the national account</p> <p>9 executives getting Opana, and Opana ER to</p> <p>10 be clear, stocked in the trade accounts,</p> <p>11 correct?</p> <p>12 MS. VANNI: Object to form.</p> <p>13 THE WITNESS: To be honest,</p> <p>14 getting them stocked when they --</p> <p>15 I don't know if I had assumed</p> <p>16 the -- I don't remember from the</p> <p>17 time when I took over trade</p> <p>18 affairs, whether or not Opana had</p> <p>19 launched or didn't launch. I</p> <p>20 don't remember that.</p> <p>21 So if it -- if it hadn't</p> <p>22 launched, then yes. If not, then</p> <p>23 I just took over the role of</p> <p>24 supervising them.</p>
<p style="text-align: right;">Page 79</p> <p>1 MS. SCULLION: Why don't you</p> <p>2 mark 27 and then 26.</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. So I think you were</p> <p>5 explaining to me that you didn't have</p> <p>6 promotional responsibility for any of the</p> <p>7 brand products. But you were involved in</p> <p>8 helping get Opana, for example, stocked</p> <p>9 in the trade accounts, correct?</p> <p>10 MS. VANNI: Object to form.</p> <p>11 THE WITNESS: This -- the</p> <p>12 role of the national account</p> <p>13 executives that visit the trade</p> <p>14 accounts, their -- their role on</p> <p>15 the brand side is to make sure the</p> <p>16 account is stocked. That's all</p> <p>17 they do. They make sure their</p> <p>18 account is stocked with the</p> <p>19 product. Because if you don't</p> <p>20 have the product in the account,</p> <p>21 you can't sell it. And so their</p> <p>22 job -- that's all the national</p> <p>23 account executives do on the brand</p> <p>24 side, is they make sure the</p>	<p style="text-align: right;">Page 81</p> <p>1 BY MS. SCULLION:</p> <p>2 Q. Okay.</p> <p>3 A. And it wasn't -- their role</p> <p>4 in the brand side was, if I had to divide</p> <p>5 their time, their time was generics.</p> <p>6 They were there to work on generics.</p> <p>7 The brand -- their brand</p> <p>8 role was a de minimus kind of role. It</p> <p>9 wasn't that significant, other than the</p> <p>10 stocking.</p> <p>11 Q. Okay.</p> <p>12 (Document marked for</p> <p>13 identification as Exhibit</p> <p>14 Endo-Stevenson-4.)</p> <p>15 BY MS. SCULLION:</p> <p>16 Q. Let me show you what's been</p> <p>17 marked as Exhibit 4. And we may be out</p> <p>18 of order here, but we'll get to it in</p> <p>19 terms of exhibit numbers.</p> <p>20 MS. SCULLION: Is it good?</p> <p>21 Okay.</p> <p>22 BY MS. SCULLION:</p> <p>23 Q. Mr. Stevenson, I've handed</p> <p>24 you Exhibit 4. And for the record, the</p>

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<p>1 Bates number is ENDO-OPIOID_MDL-00860303.</p> <p>2 And just so you know, I'm</p> <p>3 just reading the small numbers in the</p> <p>4 bottom right corner for the record, so</p> <p>5 people on the phone can follow.</p> <p>6 Mr. Stevenson, do you</p> <p>7 recognize Exhibit Number 4?</p> <p>8 A. Well, it's my 2006</p> <p>9 performance appraisal.</p> <p>10 Q. Right. And it's -- this is</p> <p>11 an e-mail from you to David Kerr</p> <p>12 attaching your 2006 performance</p> <p>13 appraisal, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And who was Mr. Kerr</p> <p>16 when you sent this e-mail, what was his</p> <p>17 position?</p> <p>18 A. He was the vice president of</p> <p>19 business operations I believe.</p> <p>20 Q. He was your boss</p> <p>21 effectively?</p> <p>22 A. Yes, he was my boss.</p> <p>23 Q. And let's turn to the actual</p> <p>24 performance appraisal itself, which</p>	<p>1 And looking in the left-hand column,</p> <p>2 lists a number of objectives for the</p> <p>3 year. And let's go down to the third</p> <p>4 row. Do you see it says successfully</p> <p>5 launched products?</p> <p>6 A. Yes.</p> <p>7 Q. And it identifies this as a</p> <p>8 corporate objective. And the corporate</p> <p>9 objective there was "achieve</p> <p>10 \$17.5 million in Opana and Opana ER net</p> <p>11 factory sales in 2006," correct?</p> <p>12 A. Correct.</p> <p>13 Q. All right. And then you've</p> <p>14 indicated on the right-hand side that</p> <p>15 that was achieved. And, in fact, it was</p> <p>16 about, approximately \$18.8 million in net</p> <p>17 factory sales, correct?</p> <p>18 A. Yes. What's -- that's</p> <p>19 what's there, that's correct.</p> <p>20 Q. Okay. And then the next row</p> <p>21 down, successfully launched products,</p> <p>22 Corporate Objective 1.</p> <p>23 Now here it says, "Manage</p> <p>24 Project Pizza to achieve documented</p>
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<p>1 begins in the attachment at 860304. I</p> <p>2 just want to page back through this. If</p> <p>3 you turn back through the document. If</p> <p>4 you go to Page 6, in the lower right-hand</p> <p>5 corner?</p> <p>6 A. Page 6. Yes.</p> <p>7 Q. And before I ask you about</p> <p>8 the particulars on this page, am I</p> <p>9 correct in understanding, this is</p> <p>10 something you would have -- you would</p> <p>11 have filled out in terms of saying to</p> <p>12 Mr. Kerr, here was my objective and here</p> <p>13 is how I explain how I have or haven't</p> <p>14 achieved that particular objective this</p> <p>15 year; is that right?</p> <p>16 A. Yes, that's -- yeah. You</p> <p>17 know, for clarity normally the employee,</p> <p>18 at my level, would complete what I</p> <p>19 thought. And he would, you know, have a</p> <p>20 meeting and we would see if there was</p> <p>21 some agreement with what he thought with</p> <p>22 what I wrote, et cetera, and then it'd be</p> <p>23 finalized, yes.</p> <p>24 Q. Okay. So I'm on Page 6.</p>	<p>1 stocking of Opana and Opana ER in</p> <p>2 12,000" -- it looks like it's supposed to</p> <p>3 say pharmacies. Do you see that?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. And then on the</p> <p>6 right-hand -- oh sorry. Go over to the</p> <p>7 right on that same row, do you see in</p> <p>8 terms of describing fulfillment of the</p> <p>9 objective it says, "Managed Project Pizza</p> <p>10 team and documented Opana and Opana ER</p> <p>11 stocked in 12,100 pharmacies as of</p> <p>12 12/31/06."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall Project Pizza?</p> <p>16 A. Not really. I mean it</p> <p>17 was -- not really.</p> <p>18 Q. Okay. Do you recall though</p> <p>19 that there was a project that you oversaw</p> <p>20 to document stocking of Opana and Opana</p> <p>21 ER in about 12,000 pharmacies as of -- as</p> <p>22 of 2006?</p> <p>23 MS. VANNI: Object to form.</p> <p>24 THE WITNESS: To be honest,</p>

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<p style="text-align: right;">Page 86</p> <p>1 I didn't. No, I saw some 2 documentation in the last day or 3 so. But I -- I really don't 4 recall any details about it, you 5 know. 6 BY MS. SCULLION: 7 Q. Fair enough. You have no 8 reason to doubt the accuracy of what you 9 wrote here in this performance appraisal, 10 correct? 11 A. No, I don't. There's no 12 reason to doubt it, no. 13 Q. And this description of an 14 effort to document stocking of Opana and 15 Opana ER in 12,000 pharmacies, that's 16 consistent with what you just explained 17 to me about one of the roles of -- that 18 you had at Endo, correct? 19 MS. VANNI: Object to form. 20 THE WITNESS: It was a role 21 I had in the last ten months or so 22 before I left, yes. It was 23 overseeing the stocking portion of 24 the brand business that the</p>	<p style="text-align: right;">Page 88</p> <p>1 A. It's an industry group for 2 the chains. And they have two meetings 3 per year, which suppliers, which -- you 4 know, whoever the pharmaceutical company 5 is, attends. And it can be both for the 6 pharmacy end and for the non-pharmacy 7 end. It's a pretty big -- they're pretty 8 big meetings every -- twice a year. 9 Once -- one in the spring, one is coming 10 up in April/May, and one in the summer. 11 Q. Got it. And that was listed 12 here, the "Actively participate in 13 NACDS," was listed as increasing Endo 14 penetration and entrenchment in key 15 strategic accounts. How would actively 16 participating in NACDS serve that goal? 17 A. By attending those meetings 18 and meeting with customers, and, you 19 know, showing the flag. We used to take 20 a booth and have a booth. And most 21 companies take a booth, and then the 22 customers come to your booth. And you 23 have a discussion. You show the flag. 24 You are actively participating.</p>
<p style="text-align: right;">Page 87</p> <p>1 national account executives were 2 responsible for. 3 BY MS. SCULLION: 4 Q. Okay. Now, let's just stay 5 in the document -- same document for a 6 moment. If you'll go up to Page 5. 7 Looking at the top of Page -- yeah, Page 8 5 -- excuse me -- the first row. 9 It says, "The objective is 10 increase Endo penetration and 11 entrenchment in key strategic accounts." 12 Do you see that? 13 A. Yes. 14 Q. And then under that it says, 15 "Actively participate in NACDS, HDMA and 16 GPhA in leadership position." 17 Did I read that correctly? 18 A. Yes. 19 Q. And then -- let's stick on 20 that for a minute. What is NACDS? 21 A. National Association of 22 chain drug stores. 23 Q. Okay. That was an industry 24 group for the trade?</p>	<p style="text-align: right;">Page 89</p> <p>1 It's expensive. There was 2 always somebody that would say, you know, 3 was it really worth it and that kind of 4 stuff. So when I -- you know, that was a 5 goal when we established objective that, 6 you know, my belief was, from a generic 7 perspective, if you're not there, if your 8 absence is missed, you'll be -- that will 9 be noticed. If everybody in the business 10 is there, and you're not there, that's a 11 problem. 12 So when I wrote this, you 13 know, to go back, generics in Endo 14 Pharmaceuticals was a very small portion 15 of their business compared to their brand 16 business. 17 So to go to have a booth at 18 NACDS, it's expensive. To have people to 19 go to NACDS is expensive. There's always 20 someone questioning, you know, since 21 generics was a small part of the 22 business, was it worth it. 23 So when I wrote the 24 objective, it was designed to say, if you</p>

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<p style="text-align: right;">Page 90</p> <p>1 want to be -- have a player in generics  2 and entrench yourself as a generic  3 player, then you have to participate in  4 these groups.  5 Q. So for someone who's not as  6 familiar with the generic industry as  7 obviously you are, why would being at a  8 meeting like NACDS be important to the  9 generic business as opposed to simply  10 competing based on price? Why would that  11 be important?  12 A. Well, first of all, you  13 don't just compete based on price.  14 That's not what you want. When you  15 compete, you know, you compete based on  16 how well you supply the product, how  17 responsible your customer service is.  18 These big accounts are busy.  19 You know, they don't sit around all day  20 saying, gee whiz, it's 9:30 and Endo  21 hasn't called me yet. That's not what  22 happens. They're extremely busy.  23 Supply is a big issue for  24 them, especially on big products,</p>	<p style="text-align: right;">Page 92</p> <p>1 marketing in generics, the overall, you  2 know, your image, the overall ability to  3 service the account. That's more of the  4 marketing approach.  5 So by going to an NACDS, if  6 you're not there, you're going to be  7 missed, because they're going to know you  8 are not there. Just you notice who's not  9 there. If somebody is not there, you  10 will notice it if you're in the business.  11 So it was important to go to  12 NACDS. It was important to go to HDMA.  13 And it was obviously important to go to  14 GPhA.  15 Q. Okay. And we'll come to  16 those --  17 A. Yeah, I understand.  18 Q. -- organizations in a -- in  19 a minute. But so if I understand you  20 correctly, in terms of not just competing  21 on price, but competing, you said, based  22 on your ability to service the accounts?  23 A. Multiple factors.  24 Q. Okay. And so would speed of</p>
<p style="text-align: right;">Page 91</p> <p>1 whatever the product might be, opiate or  2 non-opiate, doesn't make any difference.  3 If they have a fast-moving product or a  4 big product and someone can't supply it,  5 it's a very big problem.  6 I use the example in  7 Seymour, Indiana, was where -- when I was  8 at KU, where our manufacturing  9 headquarters was located.  10 Q. Sorry, and KU is Kremers  11 Urban?  12 A. Kremers Urban.  13 Q. Thank you.  14 A. A town of 50,000. On one  15 corner is a CVS, and right across is a  16 Walgreens. So there's a lot of  17 competition. And if you can't supply,  18 that's going to get -- you're going to  19 get noticed. So we don't just compete on  20 price. You don't want to just compete on  21 price. You want to compete on other  22 things.  23 And that's part of, you  24 know, what -- if you want to call it</p>	<p style="text-align: right;">Page 93</p> <p>1 customer service of processing orders be  2 an important factor?  3 A. Yes.  4 Q. And an ability to just be  5 responsive to orders as they come in,  6 that would be an important factor?  7 A. Yes. Yes.  8 Q. Okay.  9 A. That's -- yeah.  10 Q. Fair to say customers really  11 don't want to hear that when they place  12 an order, there's a problem with you  13 processing their order, right?  14 MS. VANNI: Object to form.  15 THE WITNESS: Correct. Most  16 customers, I don't remember or  17 don't recall what it was at that  18 time. But today, it's a  19 requirement that you service  20 98 percent of their purchase  21 orders.  22 BY MS. SCULLION:  23 Q. I'm sorry. What does that  24 mean?</p>

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<p style="text-align: right;">Page 94</p> <p>1 A. Number of lines in a PO, a 2 purchase order -- I'm sorry I used -- a 3 purchase order comes in with a number of 4 lines. So the definition of a backorder 5 percentage, 98 percent is based on number 6 of lines ordered based on number of lines 7 filled. 8 Q. And if you don't meet that 9 98 percent, what happens? 10 A. They'll send you a bill. 11 You have to pay the difference. Today -- 12 again, I don't remember what it is back 13 in that time. But some accounts, I 14 think, had already started -- it was a 15 big issue, supply. It was one thing to 16 differentiate. 17 But to finish my sentence, 18 if you don't supply, then they will send 19 you a bill for your price versus the next 20 lowest price generic. That's usually 21 what happens. 22 And it's an order for you to 23 be open and honest about how soon you can 24 supply, because if you want to pay them,</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Okay. And I think you said, 2 do you recall whether the 95 percent 3 level was in place when you were at Endo? 4 A. I don't recall. 5 Q. Okay. 6 A. But it's possible. 7 Q. Okay. But putting aside the 8 95, 98 percent, do you recall though when 9 you were at Endo and in part working with 10 the trade accounts, that there still was 11 a focus in the trade accounts on the 12 level of customer service that was being 13 provided? 14 A. Yes. 15 Q. Okay. That was -- and 16 again, regardless of whether there's a 17 95 percent threshold or not, still at 18 that time when you were with Endo, the 19 trade accounts didn't want to have 20 hassles, for lack of a better word, with 21 their orders, right? 22 A. Correct. 23 Q. They wanted their orders to 24 be taken and processed, right?</p>
<p style="text-align: right;">Page 95</p> <p>1 great. They'll keep the spot for you 2 open until you can supply again. 3 But it's designed to be 4 financially painful so that if you can't 5 supply, that you'll say I can't supply 6 and give up the business. And then once 7 you give it up, you won't get it back. 8 So it's designed that 9 they're not out of product, because they 10 have a lot of pharmacies, a lot of 11 stocking, a lot of issues and they don't 12 want to have an issue with being out of 13 stock. Being out of stock is the worst 14 thing you can do. 15 So part of how we 16 differentiate ourselves wherever I have 17 worked is we've been able to supply 95, 18 98 percent. Okay. 19 Now, over time, it used to 20 be 95, if I recall correctly, and, you 21 know, they have become more aggressive 22 now, and it moved more to 98 percent. So 23 they give you very little leeway for 24 error.</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Correct. 2 Q. No questions asked? 3 MS. VANNI: Object to form. 4 THE WITNESS: Well, that's 5 what their expectation was. 6 BY MS. SCULLION: 7 Q. Right. 8  9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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<p>Page 107</p> <p>1 Endo-Stevenson-5.)</p> <p>2 BY MS. SCULLION:</p> <p>3 Q. I'm going to hand you what's</p> <p>4 been marked as Exhibit Number 5.</p> <p>5 Exhibit 5 for the record is Bates-stamped</p> <p>6 ENDO-OPIOID_MDL-05554625.</p> <p>7 Mr. Stevenson, do you see</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 109</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 111</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 113</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 MS. SCULLION: Can I have</p> <p>14 Tab 60, please.</p> <p>15 (Document marked for</p> <p>16 identification as Exhibit</p> <p>17 Endo-Stevenson-6.)</p> <p>18 BY MS. SCULLION:</p> <p>19 Q. Mr. Stevenson, I'm going to</p> <p>20 hand you what's been marked as Exhibit</p> <p>21 Number 6.</p> <p>22 A. Okay.</p> <p>23 Q. And Exhibit Number 6, let me</p> <p>24 just orient you to the document a little</p>

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<p>1 bit. On the first page of Exhibit 6</p> <p>2 is -- you see at the top it says document</p> <p>3 metadata. This is a document produced</p> <p>4 from the document system we used to store</p> <p>5 all the documents that Endo and other</p> <p>6 parties have produced to us in the</p> <p>7 litigation. And this is indicating the</p> <p>8 metadata, electronic metadata associated</p> <p>9 with the document.</p> <p>10 And from time to time today,</p> <p>11 I might be showing you these metadata</p> <p>12 pages to help you understand what the</p> <p>13 document is.</p> <p>14 If you look on this first</p> <p>15 page of Exhibit 6, under the first box,</p> <p>16 do you see document identification, that</p> <p>17 first box at the top?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And if you'll go down</p> <p>20 to the bottom of that box, you'll see a</p> <p>21 line that says custodian. Do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. And it says your name there.</p>	<p>1 metadata that is provided in</p> <p>2 accordance with the ESI protocol.</p> <p>3 So the metadata itself is what was</p> <p>4 coming from Endo in the</p> <p>5 production.</p> <p>6 MS. VANNI: Okay.</p> <p>7 MS. SCULLION: Okay? Thank</p> <p>8 you.</p> <p>9 MS. VANNI: Thank you.</p> <p>10 MS. SCULLION: Sure.</p> <p>11 BY MS. SCULLION:</p> <p>12 Q. If we go then to the</p> <p>13 substance of the exhibit itself, you turn</p> <p>14 to the second page of Exhibit 6. And you</p> <p>15 see this is a PowerPoint entitled Trade</p> <p>16 Organization Memberships?</p> <p>17 A. Yes.</p> <p>18 Q. And it says at the bottom</p> <p>19 here, OpCom 4/28/04. Do you remember</p> <p>20 what OpCom was at Endo in April of 2004?</p> <p>21 A. It was the operations</p> <p>22 committee of the company. Some people</p> <p>23 would call it the executive committee.</p> <p>24 It was the operations committee of the</p>
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<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And just so you understand,</p> <p>4 that's an indication that, according to</p> <p>5 the metadata produced with the document</p> <p>6 in this litigation, the document came</p> <p>7 from your custodial file at -- at Endo.</p> <p>8 So I'm just pointing it out to you so you</p> <p>9 have some understanding.</p> <p>10 A. Okay. Thank you.</p> <p>11 Q. Okay? Great.</p> <p>12 MS. VANNI: So then to be</p> <p>13 clear, Counsel, can I ask a</p> <p>14 question?</p> <p>15 MS. SCULLION: Sure.</p> <p>16 MS. VANNI: This information</p> <p>17 on this first page, document</p> <p>18 metadata --</p> <p>19 MS. SCULLION: Yeah.</p> <p>20 MS. VANNI: -- this is</p> <p>21 information that's stored in your</p> <p>22 system though?</p> <p>23 MS. SCULLION: It is stored</p> <p>24 in our system. It is based on the</p>	<p>1 company.</p> <p>2 Q. Were you ever a member of</p> <p>3 the OpCom?</p> <p>4 A. No.</p> <p>5 Q. Okay. And let's turn</p> <p>6 through the exhibit. Next page. Page 2</p> <p>7 of the PowerPoint identifies two trade</p> <p>8 organizations. One is PhRMA. And the</p> <p>9 second is the Generic Pharmaceutical</p> <p>10 Association. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And the Generic</p> <p>13 Pharmaceutical Association, that's the</p> <p>14 one that we were just discussing a few</p> <p>15 minutes ago, correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Apologies.</p> <p>18 Are you familiar with --</p> <p>19 with PhRMA as well as the Generic</p> <p>20 Pharmaceutical Association?</p> <p>21 A. How do you define familiar?</p> <p>22 Q. Have you been involved with</p> <p>23 PhRMA yourself?</p> <p>24 A. No.</p>

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<p style="text-align: right;">Page 118</p> <p>1 Q. Okay.</p> <p>2 A. It's a -- it's a brand.</p> <p>3 It's the brand -- trade association for</p> <p>4 the brand PhRMA industry.</p> <p>5 Q. Okay. Then do you recall</p> <p>6 any discussions at Endo about whether</p> <p>7 Endo should be a member of PhRMA when you</p> <p>8 were there?</p> <p>9 A. Yes, I do.</p> <p>10 Q. So let's look at that. If</p> <p>11 you'll turn to page 12 of --</p> <p>12 A. Can I just offer one</p> <p>13 additional comment?</p> <p>14 Q. Sure.</p> <p>15 A. I sat in meetings where</p> <p>16 PhRMA was discussed. I wasn't involved</p> <p>17 in the decision or any representation of</p> <p>18 whether Endo should join PhRMA or not. I</p> <p>19 just want to be clear about that.</p> <p>20 Q. You were in the meetings</p> <p>21 though, where it was discussed?</p> <p>22 A. Well, this meeting it was</p> <p>23 discussed. That's the point of this</p> <p>24 meeting obviously.</p>	<p style="text-align: right;">Page 120</p> <p>1 point here says, "Our industry is among</p> <p>2 the most heavily regulated in the U.S.,</p> <p>3 and what happens in Washington matters a</p> <p>4 lot."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And then the next bullet</p> <p>8 point under that says, "Having access to</p> <p>9 the knowledge and influence of PhRMA can</p> <p>10 support us to sustaining and growing the</p> <p>11 business."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. And was that, what's written</p> <p>15 there, was that generally a topic that</p> <p>16 was discussed at Endo when you were</p> <p>17 there?</p> <p>18 MS. VANNI: Object to form.</p> <p>19 THE WITNESS: This PhRMA is</p> <p>20 the brand business.</p> <p>21 BY MS. SCULLION:</p> <p>22 Q. Right.</p> <p>23 A. Okay. So I'm not -- I</p> <p>24 wasn't involved with PhRMA. So you can</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. All right. And you think</p> <p>2 this was a meeting you would have</p> <p>3 attended?</p> <p>4 A. Well, it had GPhA, so I</p> <p>5 would have been there. If I remember</p> <p>6 this meeting correctly, it was discussing</p> <p>7 the -- the benefits belonging to a</p> <p>8 member. Endo had two businesses, the</p> <p>9 brand business, generics business. Do I</p> <p>10 belong -- should the brand business Endo</p> <p>11 belong to PhRMA to support its brand</p> <p>12 business, and should it belong to GPhA to</p> <p>13 support its generics business. So that's</p> <p>14 what this is about.</p> <p>15 Q. Okay. Fair enough. So</p> <p>16 let's go to page 12 of the PowerPoint.</p> <p>17 If you look in the lower right-hand</p> <p>18 corner you'll see the page numbers.</p> <p>19 A. Yep. Okay.</p> <p>20 Q. Make sure we are literally</p> <p>21 on the same page. The top of the page</p> <p>22 says critical issues, right?</p> <p>23 A. Yes.</p> <p>24 Q. All right. And the bullet</p>	<p style="text-align: right;">Page 121</p> <p>1 ask me all the questions you want about</p> <p>2 PhRMA, but, you know, I -- this is not my</p> <p>3 area. This was directed from the brand</p> <p>4 people to the leadership of the company,</p> <p>5 whether Endo should belong to PhRMA.</p> <p>6 Q. Understood.</p> <p>7 A. Okay.</p> <p>8 Q. But just to -- just to make</p> <p>9 sure though, do you recall discussions</p> <p>10 about Endo being interested in</p> <p>11 potentially being a member of PhRMA,</p> <p>12 because having access to the knowledge</p> <p>13 and influence of PhRMA can support Endo</p> <p>14 in sustaining and growing the business?</p> <p>15 A. Well, I would have heard it</p> <p>16 at this meeting if it came up, yeah. So</p> <p>17 I mean it came up. PhRMA is -- is</p> <p>18 designed to support the brand PhRMA</p> <p>19 industry and their members in PhRMA.</p> <p>20 That's what they do.</p> <p>21 Q. And -- and it does that, as</p> <p>22 this document indicates, in part, by</p> <p>23 access to knowledge, correct?</p> <p>24 A. Yeah, I didn't write this.</p>

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<p>1 I assume that's right.</p> <p>2 Q. Okay.</p> <p>3 A. Again, I'm not focused on</p> <p>4 PhRMA. I don't know what they did or</p> <p>5 didn't do --</p> <p>6 Q. Sure.</p> <p>7 A. -- directly because I</p> <p>8 wouldn't have been involved in PhRMA.</p> <p>9 Q. And just to the extent that</p> <p>10 you do know, is it accurate that one of</p> <p>11 the things that would be -- that Endo is</p> <p>12 interested in was the influence of PhRMA</p> <p>13 supporting Endo in sustaining and growing</p> <p>14 its business?</p> <p>15 MS. VANNI: Object to form.</p> <p>16 THE WITNESS: If they had</p> <p>17 joined, if they had joined, yes.</p> <p>18 BY MS. SCULLION:</p> <p>19 Q. Okay. And then, on the --</p> <p>20 staying on the same page, next bullet</p> <p>21 point it says, "The industry is under</p> <p>22 fire by politicians and the press."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p>	<p>1 They are involved in -- that's</p> <p>2 what their members want from them.</p> <p>3 They are the trade association for</p> <p>4 the PhRMA brand business.</p> <p>5 BY MS. SCULLION:</p> <p>6 Q. Okay. And -- and so as you</p> <p>7 said, there could have been multiple</p> <p>8 reasons Endo was interested in</p> <p>9 potentially joining PhRMA, but one of</p> <p>10 those would have been PhRMA's work</p> <p>11 helping to turn around negative</p> <p>12 perceptions of the industry, right?</p> <p>13 MS. VANNI: Object to form.</p> <p>14 THE WITNESS: To the extent</p> <p>15 they existed. I have no idea what</p> <p>16 existed at the time, so --</p> <p>17 BY MS. SCULLION:</p> <p>18 Q. In terms of negative</p> <p>19 perceptions?</p> <p>20 A. Yes.</p> <p>21 Q. Thank you. Got it.</p> <p>22 If you look then to Page 14</p> <p>23 of the presentation. It's entitled at</p> <p>24 the top, What PhRMA Can Do For Endo.</p>
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<p>1 Q. And then it discusses in</p> <p>2 terms of PhRMA, "PhRMA is working on a</p> <p>3 series of initiatives to help turn around</p> <p>4 negative perceptions of the industry."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And -- and again,</p> <p>8 understanding that it wasn't your</p> <p>9 particular focus, but were you aware that</p> <p>10 Endo had an interest in potentially</p> <p>11 joining PhRMA because of PhRMA's</p> <p>12 initiatives to help turn around negative</p> <p>13 perceptions of the industry?</p> <p>14 MS. VANNI: Object to form.</p> <p>15 THE WITNESS: If Endo was</p> <p>16 going to join PhRMA, I don't think</p> <p>17 that was the sole reason. There</p> <p>18 would have been multiple reasons</p> <p>19 to have -- belong to PhRMA, as</p> <p>20 PhRMA is effectively the lobbying</p> <p>21 organization for the brand PhRMA</p> <p>22 industry. So any negative or</p> <p>23 positive perceptions, whatever</p> <p>24 exist, PhRMA would be involved.</p>	<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. As you were just</p> <p>4 referencing, the very first bullet point</p> <p>5 here is, "Lobby important bills in</p> <p>6 Congress and state legislatures,"</p> <p>7 correct?</p> <p>8 A. Yes. That's what they do.</p> <p>9 Q. Okay. And then the next is,</p> <p>10 "Present industry view to FDA" -- that's</p> <p>11 the Food and Drug Administration,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. "NIH" -- National Institute</p> <p>15 of Health, correct?</p> <p>16 A. Correct.</p> <p>17 Q. CMS is?</p> <p>18 A. Center for Medicare, I think</p> <p>19 Services. I think it's Center For -- I</p> <p>20 get lost in the alphabet.</p> <p>21 Q. Okay.</p> <p>22 A. But I think that's what it</p> <p>23 is, Center For Medicare Services.</p> <p>24 Q. Okay. And that's another --</p>



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<p style="text-align: right;">Page 126</p> <p>1 again, to the extent of your</p> <p>2 understanding, that's another thing that</p> <p>3 PhRMA could do for a brand company like</p> <p>4 Endo, right?</p> <p>5 MS. VANNI: Object to form.</p> <p>6 THE WITNESS: Well, it's not</p> <p>7 just for Endo. For any brand</p> <p>8 pharmaceutical company.</p> <p>9 BY MS. SCULLION:</p> <p>10 Q. Who was a member?</p> <p>11 A. Who was a member.</p> <p>12 Q. Okay.</p> <p>13 A. Should they decide to join.</p> <p>14 Q. Understood.</p> <p>15 And the third bullet says,</p> <p>16 "Interact with professional associations</p> <p>17 on key issues."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. What are professional</p> <p>21 associations referred to here? What does</p> <p>22 that mean?</p> <p>23 MS. VANNI: Object to form.</p> <p>24 THE WITNESS: I don't -- I</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. So again on Page 17, we're</p> <p>2 talking about the Generic Pharmaceutical</p> <p>3 Association. Do you see that?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. All right. And you said you</p> <p>6 are familiar with Generic Pharmaceutical</p> <p>7 Association, right?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And I apologize,</p> <p>10 we may have -- I might have asked this</p> <p>11 before, have you ever held any office,</p> <p>12 official position within G Pharma?</p> <p>13 A. Yes, but not while at Endo.</p> <p>14 Q. What position did you hold?</p> <p>15 A. I was on the board of</p> <p>16 directors.</p> <p>17 Q. And when was that? Is it --</p> <p>18 is it in your -- probably on your CV?</p> <p>19 A. No, it's not on -- not on</p> <p>20 there. I don't believe.</p> <p>21 Q. Okay.</p> <p>22 A. I -- I'm going to say 2010</p> <p>23 to 2012 or '13 -- some -- I don't know.</p> <p>24 It was two, two -- two, two-year terms if</p>
<p style="text-align: right;">Page 127</p> <p>1 don't know what all the</p> <p>2 professional associations would</p> <p>3 be. American Medical Association.</p> <p>4 People -- American whatever, okay.</p> <p>5 So that -- that's what a -- that's</p> <p>6 whatever professional association</p> <p>7 is, that is involved in the</p> <p>8 pharmaceutical healthcare</p> <p>9 business.</p> <p>10 BY MS. SCULLION:</p> <p>11 Q. Did you -- medical</p> <p>12 associations?</p> <p>13 A. I have no idea. You know, I</p> <p>14 have no idea what it would have been.</p> <p>15 Q. Okay. Now, let's go to</p> <p>16 Page 17 of the presentation.</p> <p>17 A. Okay.</p> <p>18 Q. Now, this is -- begins part</p> <p>19 of the presentation that does concern</p> <p>20 Generic Pharmaceutical Association.</p> <p>21 Do you see that?</p> <p>22 A. Yes. But for the record,</p> <p>23 Endo, to my knowledge when I was there</p> <p>24 never joined PhRMA.</p>	<p style="text-align: right;">Page 129</p> <p>1 I remember right.</p> <p>2 Q. And that was while you were</p> <p>3 with -- with Kremers Urban?</p> <p>4 A. Correct.</p> <p>5 Q. So you are pretty familiar</p> <p>6 with -- with the organization?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And so the first</p> <p>9 bullet point here, it -- the first bullet</p> <p>10 point here says, in terms of the mission</p> <p>11 of the Generic Pharmaceutical</p> <p>12 Association, "Promote the common</p> <p>13 interests of its members and the general</p> <p>14 welfare of the pharmaceutical industry."</p> <p>15 Is that an accurate</p> <p>16 statement of one part of the Generic</p> <p>17 Pharmaceutical Association's mission?</p> <p>18 MS. VANNI: Object to form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. SCULLION:</p> <p>21 Q. And when it says common</p> <p>22 interests of its members, that refers to</p> <p>23 the common interests that the various</p> <p>24 generic pharmaceutical manufacturers</p>

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<p style="text-align: right;">Page 130</p> <p>1 would have?</p> <p>2 MS. VANNI: Object to form.</p> <p>3 THE WITNESS: It refers to</p> <p>4 the common interests of making</p> <p>5 sure that the generic industry</p> <p>6 voice was heard. The PhRMA voice</p> <p>7 was much stronger because they had</p> <p>8 more money. Their lobbying</p> <p>9 efforts were much stronger. The</p> <p>10 brand PhRMA companies were trying</p> <p>11 to prevent brands from going</p> <p>12 generic.</p> <p>13 So they were -- there was a</p> <p>14 lot of lobbying with respect to</p> <p>15 that, how to find loopholes in</p> <p>16 Hatch-Waxman, which is the law</p> <p>17 that governs the generic</p> <p>18 pharmaceutical business in the</p> <p>19 United States.</p> <p>20 It had to do with FDA rules</p> <p>21 that were coming up to make sure</p> <p>22 they're -- you know, understand</p> <p>23 them. These were all common</p> <p>24 interests that were, you know,</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. You did join? Okay. Thank</p> <p>2 you.</p> <p>3 A. But not PhRMA, just for the</p> <p>4 record.</p> <p>5 Q. And then bulk supplier, that</p> <p>6 would be the suppliers of the API?</p> <p>7 A. That would be the supplier</p> <p>8 of -- the API suppliers, yes.</p> <p>9 Q. Okay. And then on the</p> <p>10 associates that we have generic</p> <p>11 distributor. Is a generic distributor</p> <p>12 just a distributor of generics?</p> <p>13 A. Yeah. That would be -- that</p> <p>14 would be like an ANDA, there's a company</p> <p>15 that all they do is distribute -- you</p> <p>16 know, they don't -- they're a generic</p> <p>17 distributor. There may be others. I</p> <p>18 don't know. I'm not familiar with all of</p> <p>19 them.</p> <p>20 Q. Is there a distinction</p> <p>21 between a generic distributor and -- and</p> <p>22 distributors in general. So for example,</p> <p>23 you mentioned ANDA. Is there a</p> <p>24 difference between ANDA and McKesson?</p>
<p style="text-align: right;">Page 131</p> <p>1 every company shared on a broad</p> <p>2 basis. So -- and how do we get</p> <p>3 our message out to the politicians</p> <p>4 who, you had a lot of -- a lot of</p> <p>5 money from lobbying by PhRMA. And</p> <p>6 because of their -- their size and</p> <p>7 their -- the money available</p> <p>8 compared to the generic business,</p> <p>9 which was much smaller, the</p> <p>10 generic association was much</p> <p>11 smaller, you know, what is the</p> <p>12 common interest of how we</p> <p>13 communicate the benefits of</p> <p>14 generics to the public.</p> <p>15 BY MS. SCULLION:</p> <p>16 Q. Got it. Let's go to the</p> <p>17 next page where it discusses the members.</p> <p>18 A. Yep.</p> <p>19 Q. And it says the three types</p> <p>20 of membership, the first being</p> <p>21 manufacturer. That would be a</p> <p>22 manufacturer like Endo if Endo had</p> <p>23 joined, right?</p> <p>24 A. We did join GPhA.</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Can you explain what</p> <p>3 that is?</p> <p>4 A. Well, the central difference</p> <p>5 is that a sole distributor cannot do</p> <p>6 chargebacks, and the wholesaler can. So</p> <p>7 that's the effect -- I mean, that's the</p> <p>8 way I describe it. So, you know, there</p> <p>9 could be other differences, but, you</p> <p>10 know, that's the way I think of it. I</p> <p>11 could be wrong, but that's the way I</p> <p>12 think of it.</p> <p>13 Q. And so if I understand</p> <p>14 correctly, when it says generic</p> <p>15 distributors, that refers to what you're</p> <p>16 calling a sole distributor?</p> <p>17 A. Correct.</p> <p>18 Q. And ANDA is one such example</p> <p>19 of a sole distributor?</p> <p>20 A. At the time, yes.</p> <p>21 Q. All right. You also</p> <p>22 mentioned chargebacks. You have some</p> <p>23 familiarity with chargebacks, correct?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 134</p> <p>1 Q. All right. We'll talk about</p> <p>2 that a little bit later. I just want to</p> <p>3 make sure I understood that.</p> <p>4 The next bullet point here</p> <p>5 is CRO. What's a CRO?</p> <p>6 A. Contract research</p> <p>7 organization.</p> <p>8 Q. And what is that?</p> <p>9 A. Somebody that would do</p> <p>10 pivotal -- pilot and pivotal biostudies.</p> <p>11 You know, I don't know -- I don't</p> <p>12 remember if they all exist anymore. But</p> <p>13 if you want to do a pilot biostudy or</p> <p>14 pivotal biostudy you have to go to</p> <p>15 somebody who can do that work. And you</p> <p>16 would -- you would they are called</p> <p>17 contract research organizations.</p> <p>18 Q. Okay. Consultants I think</p> <p>19 is self-explanatory. Pharm brokers is</p> <p>20 the last one. What is that?</p> <p>21 A. Pharm broker would be</p> <p>22 somebody that tries to put two companies</p> <p>23 together that has a need for -- you know,</p> <p>24 you have a product of -- in a particular</p>	<p style="text-align: right;">Page 136</p> <p>1 key industry committees?</p> <p>2 A. No.</p> <p>3 Q. And I think you explained</p> <p>4 Endo did not become a member of the board</p> <p>5 of GPhArma (sic) while you were there?</p> <p>6 A. No.</p> <p>7 Q. Okay. If you'll go to Page</p> <p>8 21 of the presentation. And that's</p> <p>9 entitled, "Why is membership in both</p> <p>10 organizations important?"</p> <p>11 Are we on the same page?</p> <p>12 A. Yep.</p> <p>13 Q. Terrific. And it says,</p> <p>14 "Endo has both significant brand and</p> <p>15 generic business."</p> <p>16 And that was true, correct?</p> <p>17 A. Yes.</p> <p>18 Q. It says, "Strategic vision</p> <p>19 is to expand both brands and generics,"</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And as of April of 2004 when</p> <p>23 this presentation was put together, that</p> <p>24 was true, correct?</p>
<p style="text-align: right;">Page 135</p> <p>1 therapeutic area, and I have a need for</p> <p>2 that product. They hear. They try to</p> <p>3 put us together. So these were associate</p> <p>4 members that they allowed to participate.</p> <p>5 Q. Okay. And then let's just</p> <p>6 go to the next page, 19, which discusses</p> <p>7 privileges of full membership. You said</p> <p>8 Endo did become a member of GPhArma</p> <p>9 (sic). Did it become a full member?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And so endo enjoyed</p> <p>12 the privileges listed here?</p> <p>13 MS. VANNI: Object to form.</p> <p>14 THE WITNESS: Yes, if we</p> <p>15 choose to take advantage.</p> <p>16 Basically, my membership was going</p> <p>17 to the meetings, period, at that</p> <p>18 point in time.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Okay. First bullet point</p> <p>21 discusses participation in key industry</p> <p>22 committees affecting areas such as</p> <p>23 regulatory and logistics.</p> <p>24 Did Endo participate in any</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Yes.</p> <p>2 Q. And why was membership in</p> <p>3 GPhArma (sic), how did that many relate</p> <p>4 to this strategic vision to expand --</p> <p>5 let's just take the generics business for</p> <p>6 Endo?</p> <p>7 A. Who is GPhArma (sic)?</p> <p>8 Q. I'm sorry, Generic</p> <p>9 Pharmaceutical Association?</p> <p>10 A. Okay. I'm sorry. Can you</p> <p>11 repeat the question?</p> <p>12 Q. Why was membership in the</p> <p>13 Generic Pharmaceutical Association</p> <p>14 important, as it says here, to the</p> <p>15 strategic vision to expand the generic</p> <p>16 business for Endo?</p> <p>17 A. In order to make sure that</p> <p>18 we were aware of all the different</p> <p>19 activities affecting the generic industry</p> <p>20 as a whole. Not just in Endo, but, you</p> <p>21 know, normally at a GPhA meeting, as I</p> <p>22 said before, you had the FDA commissioner</p> <p>23 come. You had the head of OGD, which is</p> <p>24 the Office of Generic Drugs, come. You</p>

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<p style="text-align: right;">Page 138</p> <p>1 have had the secretary of HHS come. You</p> <p>2 know, you had a lot of people that came</p> <p>3 with information and made presentations.</p> <p>4 So it was an informational</p> <p>5 kind of meeting. And that information,</p> <p>6 it was important to hear that firsthand.</p> <p>7 And that's why -- you know, that's why it</p> <p>8 was important to belong.</p> <p>9 Q. Did those meetings also give</p> <p>10 members the opportunity to interact with</p> <p>11 some of the officials that you just</p> <p>12 described?</p> <p>13 MS. VANNI: Object to form.</p> <p>14 BY MS. SCULLION:</p> <p>15 Q. To speak to them?</p> <p>16 A. Yeah. I mean, we could</p> <p>17 shake their hand and talk to them if we</p> <p>18 wanted to.</p> <p>19 Q. Okay. Was that important to</p> <p>20 helping Endo's strategic vision to expand</p> <p>21 the generic business?</p> <p>22 MS. VANNI: Object to form.</p> <p>23 THE WITNESS: It was -- it</p> <p>24 wasn't that significant. You're</p>	<p style="text-align: right;">Page 140</p> <p>1 BY MS. SCULLION:</p> <p>2 Q. Got it. Now, but as an</p> <p>3 organization, the Generic Pharmaceutical</p> <p>4 Association, was it also the idea that</p> <p>5 the organization could effectively lobby</p> <p>6 the FDA and other government officials</p> <p>7 with respect to the interests of the</p> <p>8 generic industry, some of which you just</p> <p>9 described?</p> <p>10 MS. VANNI: Object to form.</p> <p>11 THE WITNESS: I disagree --</p> <p>12 I disagree with the word</p> <p>13 "lobbying." You don't --</p> <p>14 BY MS. SCULLION:</p> <p>15 Q. How would you describe --</p> <p>16 A. -- lobby the FDA.</p> <p>17 Q. Sure. How would you --</p> <p>18 A. You can --</p> <p>19 Q. -- describe it then?</p> <p>20 A. You can interact with the</p> <p>21 FDA and ask them -- give them your point</p> <p>22 of view. And they can either agree with</p> <p>23 your point of view or say I completely,</p> <p>24 totally disagree. And then they tell you</p>
<p style="text-align: right;">Page 139</p> <p>1 not going to talk to the FDA</p> <p>2 commissioner for very long other</p> <p>3 than, "Hi, how are you." So, no,</p> <p>4 that was -- it was more to hear</p> <p>5 what they had to say, what their</p> <p>6 vision was about where the FDA was</p> <p>7 going with respect to inspections</p> <p>8 and different things that they</p> <p>9 were involved in.</p> <p>10 The big issue was the length</p> <p>11 of time for approval, was a big</p> <p>12 issue. They would always address</p> <p>13 that. And there was a lot of</p> <p>14 people that would ask questions</p> <p>15 about when is the FDA going to</p> <p>16 speed up generic approval. So</p> <p>17 things like that.</p> <p>18 So it was more to hear what</p> <p>19 their position was. The audience</p> <p>20 members could ask questions, and</p> <p>21 that was -- if you call that</p> <p>22 interaction, you know, that's the</p> <p>23 only really interaction other than</p> <p>24 say, "Hi, how are you?"</p>	<p style="text-align: right;">Page 141</p> <p>1 what to do. And basically you either do</p> <p>2 it or you don't get your product</p> <p>3 approved.</p> <p>4 Q. Okay. I wasn't speaking of</p> <p>5 any particular product though. But was</p> <p>6 one of the roles of the Generic</p> <p>7 Pharmaceutical Association to interact</p> <p>8 with -- let's just start with the FDA, to</p> <p>9 try to advance the interests of the</p> <p>10 generic industry as a whole --</p> <p>11 MS. VANNI: Objection.</p> <p>12 BY MS. SCULLION:</p> <p>13 Q. -- not to any particular</p> <p>14 product?</p> <p>15 MS. VANNI: Object to form.</p> <p>16 THE WITNESS: I don't agree</p> <p>17 with the word "advance." I don't</p> <p>18 know what's meant by the word</p> <p>19 "advance." The -- the purpose of</p> <p>20 the GPhA was to represent its</p> <p>21 interest to the members. A big</p> <p>22 issue was, and until recently when</p> <p>23 the user fee concept got up and</p> <p>24 running to a greater degree, there</p>

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<p>1 was a great deal of time required 2 to get a generic approved. 3 So you would spend a lot of 4 money on the science and then have 5 to wait for it to be filed at the 6 FDA. And it could take two or 7 three years before you would get 8 approval. The feeling was that 9 should be faster. So that was a 10 big issue. 11 BY MS. SCULLION: 12 Q. Okay. 13 A. So those kinds of things. 14 The common interests, the common 15 interests is product approvals with the 16 FDA and then interacting with the 17 government where possible to advance the 18 idea of generics, knowing we were much 19 financially outgunned by the pharma 20 industry. 21 Q. Understood. Let's go to the 22 next page, 22. This page is headed 23 "Value of Membership in PhRMA and GPhA." 24 Do you see that?</p>	<p>1 point, "Access of influential policy 2 makers and legislators." 3 Do you agree that was a 4 value of membership in the GPhA? 5 A. Yes. Hearing their 6 presentations, as I testified to, yes. 7 Q. Okay. The next bullet 8 point, "Ability to influence legislation 9 and rulemaking affecting Endo." 10 You agree that was a value 11 of membership in the GPhA? 12 A. It was, but I don't recall 13 we ever used that. 14 Q. Okay. And then the last 15 bullet point is, "Opportunity for 16 business." 17 Was that also a value of 18 membership in the GPhA? 19 A. It was a small benefit. 20 There might have been a business 21 development opportunity that you might 22 hear about by going. There might have 23 been, maybe you can meet with the CRO you 24 didn't know the capacity to do a</p>
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<p>1 A. Yes. 2 Q. Okay. And again, just 3 focusing on the right-hand column which 4 gives checkmarks for the various points 5 for GPhA. I just want to confirm that 6 you agree that as of April 2004, each of 7 these was a value of membership of the 8 GPhA. 9 The first is, "Advocacy of 10 strategic issues affecting Endo," 11 correct? 12 A. By the GPhA, yes. 13 Q. Okay. The next is, "CI 14 opportunities." Is that competitive 15 intelligence opportunities? 16 A. Yes. 17 Q. And you agree that was a 18 value of membership in GPhA? 19 A. Yeah. You could hear 20 things -- 21 Q. Right. 22 A. -- that was affecting the 23 business. 24 Q. Okay. And the next bullet</p>	<p>1 scientific study, things like that. 2 Q. Okay. You can put the 3 exhibit to the side for just a moment. 4 MS. SCULLION: Can I get Tab 5 19 and Tab 75. 6 BY MS. SCULLION: 7 Q. When you joined Endo in 8 2003, Endo was already selling certain 9 prescription opioids, correct? 10 A. Yes. 11 Q. And the principal one was -- 12 was Percocet, right? 13 MS. VANNI: Object to form. 14 THE WITNESS: It all depends 15 on how you define principal. It 16 would depend on the revenue. 17 Another big product at the time 18 that was increasing was Lidoderm. 19 BY MS. SCULLION: 20 Q. I just want to focus in on 21 the prescription opioids. Lidoderm was 22 not an opioid, correct? 23 A. Correct. 24 Q. All right. Percocet was an</p>

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<p>1 opioid, we said, right?</p> <p>2 A. It was a brand opioid, yes.</p> <p>3 Q. Right. And there was also</p> <p>4 Endocet, right?</p> <p>5 A. Yes.</p> <p>6 Q. Was Endo already selling</p> <p>7 Endocet when you joined?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And I just want to</p> <p>10 make sure I understand, Endocet was a</p> <p>11 generic equivalent to the branded product</p> <p>12 Percocet, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Were there other generic</p> <p>15 equivalents to Percocet on the market at</p> <p>16 the same time as Endocet, that were sold</p> <p>17 by other companies other than Endo?</p> <p>18 A. Yes.</p> <p>19 Q. Why did Endo have both</p> <p>20 Percocet and Endocet, why was it selling</p> <p>21 a generic version of its own product?</p> <p>22 MS. VANNI: Object to form.</p> <p>23 THE WITNESS: Well, the</p> <p>24 reason is that there was a generic</p>	<p>1 They don't know if a generic</p> <p>2 exists or not. And they -- some</p> <p>3 patients say, hey, I don't want</p> <p>4 the generic. So they don't know</p> <p>5 if exists or not, they write</p> <p>6 "dispense as written," or "brand</p> <p>7 medically necessary." You go into</p> <p>8 the pharmacy, and if a generic's</p> <p>9 available, unless that's written</p> <p>10 at the bottom of the script by the</p> <p>11 physician, you will automatically</p> <p>12 get, by law, in 47, 48 states, I</p> <p>13 forget the exact number, you will</p> <p>14 get the generic.</p> <p>15 So the Percocet brand</p> <p>16 business was going to decline and</p> <p>17 it was going to be replaced, the</p> <p>18 volume of Percocet was going to</p> <p>19 convert, if you look at it as a</p> <p>20 flavor of a pie, the Percocet</p> <p>21 flavor was going to convert to the</p> <p>22 generic flavor. Okay. So the pie</p> <p>23 stays the same, but the flavor</p> <p>24 changes.</p>
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<p>1 competitor. And they had a</p> <p>2 generic business. So you can</p> <p>3 either let the money all go to</p> <p>4 your competitor and -- or you can</p> <p>5 participate in the generic market.</p> <p>6 The brand business, once it</p> <p>7 goes generic, is going to be</p> <p>8 converted. So the brand</p> <p>9 doesn't -- there's not two -- you</p> <p>10 know, I call it a pie. Okay. So</p> <p>11 once there's -- once there is a</p> <p>12 generic competitor to Percocet,</p> <p>13 Percocet sales are going to</p> <p>14 decline.</p> <p>15 And normally the erosion</p> <p>16 factor -- 47, 48 states have</p> <p>17 automatic generic substitutional</p> <p>18 rules. So when you walk into a</p> <p>19 pharmacy, unless the doctor writes</p> <p>20 "dispense as written" or "brand</p> <p>21 medically necessary," if the</p> <p>22 generic is available, you are</p> <p>23 going to get the generic. So they</p> <p>24 write the brand on the script.</p>	<p>1 So rather than see their</p> <p>2 brand business reduced and</p> <p>3 declined before my time, they --</p> <p>4 they launched the Endocet generic,</p> <p>5 which was the same as the brand</p> <p>6 Percocet by -- it was AB-rated.</p> <p>7 And as a result of that, they were</p> <p>8 able to participate in the generic</p> <p>9 market and minimize the financial</p> <p>10 impact of the loss of revenue for</p> <p>11 brand Percocet.</p> <p>12 BY MS. SCULLION:</p> <p>13 Q. Okay. And AB-rated, just to</p> <p>14 make it clear, means pharmaceutically</p> <p>15 equivalent batch?</p> <p>16 A. Yes. Bioequivalent.</p> <p>17 Q. Thank you.</p> <p>18 And so if I understand</p> <p>19 correctly, by having both Endocet and</p> <p>20 Percocet available, Endo was hedging</p> <p>21 against the decline in its branded</p> <p>22 Percocet share of the market and</p> <p>23 replacing at least some of that with</p> <p>24 Endocet?</p>



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<p style="text-align: right;">Page 150</p> <p>1 MS. VANNI: Object to form.</p> <p>2 THE WITNESS: I don't know</p> <p>3 if I would use the word hedging.</p> <p>4 It's -- it's participating, it's</p> <p>5 offsetting.</p> <p>6 BY MS. SCULLION:</p> <p>7 Q. Fair enough. Okay. So it</p> <p>8 wouldn't -- it wouldn't have as much of a</p> <p>9 decline in its overall sales of an</p> <p>10 oxycodone APAP product, because some</p> <p>11 would now be Endocet instead of Percocet?</p> <p>12 A. Right.</p> <p>13 Q. Okay. And you explained</p> <p>14 that there were other generic versions of</p> <p>15 Percocet on the market at the same time</p> <p>16 as Endocet. Was there any advantage to</p> <p>17 Endo in having the trademarked name</p> <p>18 Endocet for its generic version?</p> <p>19 A. No, none at all. That was</p> <p>20 done before I got there.</p> <p>21 Q. Okay. And so in terms of</p> <p>22 competing with the other generic versions</p> <p>23 of Percocet that were on the market, how</p> <p>24 did Endo compete?</p>	<p style="text-align: right;">Page 152</p> <p>1 A. I think we're mixing the</p> <p>2 brand business and the generic business.</p> <p>3 The brand business focused on stocking.</p> <p>4 That's all they do.</p> <p>5 Q. Got it.</p> <p>6 A. They have nothing to do with</p> <p>7 price. They have nothing to do with</p> <p>8 anything but stocking, period. That's</p> <p>9 why 9 -- maybe that's 5, 8 percent of</p> <p>10 their time is involved with the brand on</p> <p>11 stocking.</p> <p>12 Once the brand is stocked,</p> <p>13 basically it's just maintenance. Okay.</p> <p>14 On the generic side it's more</p> <p>15 complicated. So I think to answer your</p> <p>16 question, how we competed was we had to</p> <p>17 have a competitive price. We had to</p> <p>18 supply, do all the -- you know, the -- do</p> <p>19 all the necessary customer service things</p> <p>20 from supply, interaction with the</p> <p>21 account. And that's what the national</p> <p>22 account executives would do.</p> <p>23 Normally in the big</p> <p>24 accounts, it also took -- I was involved</p>
<p style="text-align: right;">Page 151</p> <p>1 MS. VANNI: Object to form.</p> <p>2 THE WITNESS: How --</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. Sorry. How did Endocet --</p> <p>5 how did Endocet compete with the other</p> <p>6 generic versions on the market?</p> <p>7 MS. VANNI: Object to the</p> <p>8 form.</p> <p>9 THE WITNESS: What do you</p> <p>10 mean by how -- compete? How do</p> <p>11 you mean? I'm sorry, I don't</p> <p>12 understand.</p> <p>13 BY MS. SCULLION:</p> <p>14 Q. Sure. That's okay. I think</p> <p>15 you explained earlier that there -- the</p> <p>16 national account executives interacted</p> <p>17 with the wholesalers or the trade to get</p> <p>18 the product stocked. Did Endo -- did</p> <p>19 Endo's national account executives</p> <p>20 effectively compete with national account</p> <p>21 executives from other manufacturers to</p> <p>22 get Endocet stocked as the generic</p> <p>23 version of Percocet instead of one of the</p> <p>24 others?</p>	<p style="text-align: right;">Page 153</p> <p>1 more in the generic side because I had in</p> <p>2 many cases, if not all cases, a personal</p> <p>3 relationship with these folks going back</p> <p>4 from my, already by that time, many years</p> <p>5 of experience in the generic business.</p> <p>6 Now, most of them had -- hadn't changed.</p> <p>7 And so Endo was perceived when I got</p> <p>8 there as a smaller generic company,</p> <p>9 basically a little niche player focused</p> <p>10 in at that time in -- mostly in control</p> <p>11 drugs. Over time we tried to change that</p> <p>12 before I left where we tried to expand</p> <p>13 the vision for Endo and get involved in</p> <p>14 other non-opioid drugs. But at the time,</p> <p>15 that was how Endo was perceived, and we</p> <p>16 were able to compete because we supplied</p> <p>17 product. We had good customer service.</p> <p>18 We interacted well with -- with the</p> <p>19 customer. We were responsive. All those</p> <p>20 things that you need to do to get</p> <p>21 business in the generic market.</p> <p>22 Q. Okay.</p> <p>23 A. We were open and</p> <p>24 transparent. We didn't play games.</p>

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<p>1 These things may not sound important.  2 But to a large account, they are very  3 important.  4 Q. And I'm trying to ask the  5 question I was asking a little more  6 clearly I hope.  7 A wholesaler like McKesson,  8 would it be distributing more than one  9 generic version of Percocet or it would  10 just choose one?  11 A. Well, McKesson -- any  12 wholesaler is going to carry multiple  13 labels. What's in -- what they are  14 carrying in -- in their DCs is normally  15 in response to the contracts that are  16 loaded for that product for a respective  17 account.  18 So there's -- you know,  19 we -- on the opioid market, you had -- we  20 had customers who we shipped to,  21 DA-approved facilities --  22 Q. DEA?  23 A. Yeah, they're all -- you  24 can't --</p>	<p>1 MS. VANNI: Object to form.  2 THE WITNESS: It starts with  3 the doctor. The doctor -- a  4 DEA-licensed physician writes a  5 prescription. The patient takes  6 that to a pharmacy. CVS, Rite  7 Aid, Walgreens, whoever, you know,  8 wherever -- it could be an  9 independent pharmacy.  10 BY MS. SCULLION:  11 Q. Let's start with one of the  12 chains.  13 A. Okay. So --  14 Q. CVS.  15 A. CVS. Takes it to a CVS.  16 CVS fills that product. Okay. They --  17 normally in the pharmacies they have a  18 safe or a secure drawer for controlled  19 drugs, whether it's opioid -- if it's a  20 C-II -- not all C-II are opioids. They  21 have it in what's called a safe or a C-II  22 drawer that's under lock and key.  23 And if you ripple that  24 effect, then because they don't have a</p>
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<p>1 Q. I just --  2 A. I'm sorry, DEA-approved  3 facilities, licensed facilities. And  4 then we also went to the customer's  5 customer, which were the chains and  6 customers that did not have a vault.  7 So in the case -- in the  8 case of McKesson, they -- I have no idea  9 how many labels they carried of the same  10 product, but we were not the only label  11 they carried in the warehouse. Might  12 have been great if they had been, but  13 that's not the way they work. Not -- or  14 in fairness, for the record, neither does  15 Cardinal or AmerisourceBergen.  16 Q. Okay. What determined  17 ultimately whether a prescription for  18 oxycodone APAP got filled with -- if it  19 got filled with a generic, whether it got  20 filled with Endocet versus another  21 generic version? That's what I'm trying  22 to understand.  23 How -- how is it determined  24 what pill actually went to the patient?</p>	<p>1 vault, they then have a designated,  2 what's called -- the official name is  3 prime vendor or wholesaler that they have  4 a contract loaded with to supply that  5 particular pharmacy.  6 So, then that wholesaler has  7 those products in the DC, and they ship  8 the product to the chain or to the  9 pharmacy direct.  10 Q. Can we -- let's -- let's  11 stick with CVS, okay. So if CVS, if a  12 CVS pharmacy was going to fill a  13 prescription with a generic version of  14 Percocet.  15 A. Yes.  16 Q. Would that -- would the CVS  17 pharmacy have only one generic version of  18 Percocet on hand to -- to fill that  19 prescription?  20 MS. VANNI: Object to form.  21 THE WITNESS: Yes.  22 BY MS. SCULLION:  23 Q. Okay. How -- how was it  24 determined which of the various generic</p>

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<p style="text-align: right;">Page 158</p> <p>1 versions CVS was using?</p> <p>2 Did Endo have a relationship</p> <p>3 with CVS that said you're going to use</p> <p>4 Endocet, for example?</p> <p>5 A. Well, we never say we're</p> <p>6 going to use it. We are honored to have</p> <p>7 their business if we were fortunate to</p> <p>8 get their business.</p> <p>9 Q. Understood. Okay. Fine.</p> <p>10 But would there be exclusive -- you'd be</p> <p>11 the exclusive supplier?</p> <p>12 A. At the time. Now they're --</p> <p>13 they don't do exclusive anymore, because</p> <p>14 they are so big. But at the time you</p> <p>15 were exclusive, yes.</p> <p>16 Q. Okay. And did Endo compete</p> <p>17 with other generic manufacturers of these</p> <p>18 oxycodone APAP drugs, compete to get the</p> <p>19 exclusives with different chains?</p> <p>20 MS. VANNI: Object to form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. SCULLION:</p> <p>23 Q. How, and what was the</p> <p>24 competing based on for that contract?</p>	<p style="text-align: right;">Page 160</p> <p>1 at the time. Things like that. It</p> <p>2 wasn't just about price. You don't want</p> <p>3 to just compete on price.</p> <p>4 Q. Okay. Understood. Okay.</p> <p>5 MS. SCULLION: I apologize.</p> <p>6 Can I have Tab 49?</p> <p>7 BY MS. SCULLION:</p> <p>8 Q. So we were talking about</p> <p>9 the -- sorry about that -- the opioid</p> <p>10 products that Endo was selling when you</p> <p>11 joined. We talked about Percocet,</p> <p>12 Endocet --</p> <p>13 A. You know, what -- oh, in</p> <p>14 Endo as a whole or the generic division?</p> <p>15 Q. Endo as a whole. Endo as a</p> <p>16 whole. I mean, you were familiar with</p> <p>17 Endo was selling Percocet at the time</p> <p>18 that it was selling Endocet, right?</p> <p>19 A. Yes. I was familiar with</p> <p>20 it.</p> <p>21 (Document marked for</p> <p>22 identification as Exhibit</p> <p>23 Endo-Stevenson-7.)</p> <p>24 BY MS. SCULLION:</p>
<p style="text-align: right;">Page 159</p> <p>1 A. What I testified a moment</p> <p>2 ago, it was based on, you have to have a</p> <p>3 competitive price, how you did business,</p> <p>4 all the customer service, all that, okay.</p> <p>5 Q. Okay. And so the price that</p> <p>6 CVS was paying was determined based on</p> <p>7 the contract between Endo and CVS; is</p> <p>8 that right?</p> <p>9 A. Yeah, I don't know that I</p> <p>10 would call it a contract. But yes, it</p> <p>11 was -- it was an agreement on the price.</p> <p>12 Q. Okay. A price agreement.</p> <p>13 Fair enough?</p> <p>14 A. Yeah, among other things.</p> <p>15 There might have been also involved --</p> <p>16 well, in the case of opioids it wouldn't</p> <p>17 be effective because they didn't buy</p> <p>18 direct. But under a non-opioid, it would</p> <p>19 also involve cash terms or prompt payment</p> <p>20 terms and things like that. So there</p> <p>21 might have been other, you know, things</p> <p>22 like that that might have been involved.</p> <p>23 If there was a rebate</p> <p>24 associated with it, what was the rebate</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Let me hand you what's been</p> <p>2 marked as Exhibit Number 7. And Exhibit</p> <p>3 Number 7 is a copy of Endo's Form 10-K</p> <p>4 for the fiscal year-ending December 31,</p> <p>5 2004.</p> <p>6 And Mr. Stevenson, if you</p> <p>7 can turn to the second page of the</p> <p>8 exhibit, you'll see the cover page that</p> <p>9 shows it's the 10-K.</p> <p>10 A. Yep.</p> <p>11 Q. Do you see that?</p> <p>12 A. I see it. Yes, I do.</p> <p>13 Q. I just want to use this. If</p> <p>14 we go back to page -- Page 10. It's a</p> <p>15 little hard to find it in the printout.</p> <p>16 If you look at page numbers at the bottom</p> <p>17 of the page, you'll see Page 9 on the</p> <p>18 left side.</p> <p>19 A. Yes.</p> <p>20 Q. The next page is Page 10.</p> <p>21 A. Yes.</p> <p>22 Q. And looking at the top of</p> <p>23 Page 10, looking at the chart that lists</p> <p>24 a number of products.</p>

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<p style="text-align: right;">Page 162</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And I thought this would be</p> <p>4 a useful place to remind us of what Endo</p> <p>5 was selling. Now, this is as of fiscal</p> <p>6 year 2004, granted. But we see second</p> <p>7 from the top, Percocet, right?</p> <p>8 A. Yes.</p> <p>9 Q. And again, that's -- it says</p> <p>10 oxycodone/acetaminophen, right?</p> <p>11 A. Yes.</p> <p>12 Q. Next one is Percodan, and</p> <p>13 that's oxycodone/aspirin, right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And going down four</p> <p>16 more, we see Endocet, and there we see</p> <p>17 oxycodone/acetaminophen again, right?</p> <p>18 A. Yes.</p> <p>19 Q. Next one is morphine sulfate</p> <p>20 ER?</p> <p>21 A. Yes.</p> <p>22 Q. You see that? And that's</p> <p>23 morphine sulfate, right?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 164</p> <p>1 of the list, you see oxycodone ER and you</p> <p>2 see in terms of active ingredients there</p> <p>3 it lists oxycodone?</p> <p>4 A. Yes.</p> <p>5 Q. And again, at the time of</p> <p>6 this 10-K, it lists as being approved</p> <p>7 subject to ongoing litigation.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And that refers to Endo's,</p> <p>11 at this time, proposed -- sorry -- at</p> <p>12 this time approved but not yet launched</p> <p>13 generic version of OxyContin, right?</p> <p>14 A. Yes.</p> <p>15 Q. And I just want to draw your</p> <p>16 attention to the active ingredients for</p> <p>17 Percocet and for the oxycodone ER. They</p> <p>18 both contain oxycodone, correct?</p> <p>19 A. Yes.</p> <p>20 Q. But the oxycodone ER is pure</p> <p>21 oxycodone, not a mixture with</p> <p>22 acetaminophen or aspirin, right?</p> <p>23 MS. VANNI: Object to form.</p> <p>24 THE WITNESS: It's not a</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. And that's an</p> <p>2 extended-release version?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall that's the</p> <p>5 generic equivalent to Purdue's MS Contin?</p> <p>6 A. Yes.</p> <p>7 Q. All right. Next is -- we</p> <p>8 see oxymorphone ER. Do you see -- and it</p> <p>9 says oxymorphone hydrochloride. Now, as</p> <p>10 of the date of this 10-K, it says it only</p> <p>11 had an approvable letter.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And the next one is</p> <p>15 oxymorphone IR. And again, only has an</p> <p>16 approvable letter at this time.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall those are the</p> <p>20 products that became Opana ER and Opana?</p> <p>21 MS. VANNI: Object to form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. SCULLION:</p> <p>24 Q. Okay. Going down to the end</p>	<p style="text-align: right;">Page 165</p> <p>1 combination drug.</p> <p>2 BY MS. SCULLION:</p> <p>3 Q. Okay. If you will go to the</p> <p>4 next page of Exhibit -- is it 7? Is that</p> <p>5 right? Sorry, I didn't write down</p> <p>6 numbers.</p> <p>7 If you go to the next page</p> <p>8 of Exhibit 7, you see at the top, a</p> <p>9 discussion of Percocet. And Endo states</p> <p>10 here, "We consider Percocet to be a gold</p> <p>11 standard of pain management."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And that was true, right?</p> <p>15 That was a true statement?</p> <p>16 MS. VANNI: Object to form.</p> <p>17 THE WITNESS: I can only</p> <p>18 testify to that Percocet was</p> <p>19 widely used, even by dentists. If</p> <p>20 you have a toothache and they give</p> <p>21 you a Percocet, it's probably</p> <p>22 5/325. So does that mean it's a</p> <p>23 gold standard? I don't know how</p> <p>24 they define gold standard.</p>

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<p style="text-align: right;">Page 166</p> <p>1 I wasn't there when they</p> <p>2 wrote this, or if I was, I wasn't</p> <p>3 involved in it.</p> <p>4 BY MS. SCULLION:</p> <p>5 Q. Okay. No dispute. That's</p> <p>6 how Endo described Percocet in its 10-K</p> <p>7 filed with the SEC?</p> <p>8 A. That's how Endo described</p> <p>9 it, yeah.</p> <p>10 Q. Right. And it goes on, just</p> <p>11 to remind ourselves of the history,</p> <p>12 explains that Endocet -- I'm sorry --</p> <p>13 Percocet was launched in 1976, correct?</p> <p>14 A. That's what it says.</p> <p>15 Q. And that was approved for</p> <p>16 the treatment of moderate to moderately</p> <p>17 severe pain, right?</p> <p>18 A. Yes.</p> <p>19 Q. And then it explains that</p> <p>20 Percocet has faced generic competition</p> <p>21 for nearly 20 years. Do you see -- and</p> <p>22 that was right? That was accurate,</p> <p>23 correct?</p> <p>24 MS. VANNI: Object to form.</p>	<p style="text-align: right;">Page 168</p> <p>1 may be substituted with a generic version</p> <p>2 at the pharmacy, right?</p> <p>3 A. By law, it has to be</p> <p>4 substituted.</p> <p>5 Q. In the states that you</p> <p>6 referred to?</p> <p>7 A. Well, 47 or 48 out of 50,</p> <p>8 unless the brand -- writes "brand</p> <p>9 medically necessary" or "dispense is</p> <p>10 written."</p> <p>11 Q. Okay. And the reference</p> <p>12 here to IMS national prescription audit,</p> <p>13 you also referred to IMS earlier today.</p> <p>14 Can you explain what IMS was?</p> <p>15 A. IMS was -- I don't know what</p> <p>16 the letters stand for anymore. But</p> <p>17 basically they were -- they gathered data</p> <p>18 from stores, prescription data, and --</p> <p>19 which was units, they could break it down</p> <p>20 into -- down to extended-release, or they</p> <p>21 could break it down into tablets and</p> <p>22 capsules, you know, if you have to.</p> <p>23 Q. I think you've lost your</p> <p>24 microphone. There you go.</p>
<p style="text-align: right;">Page 167</p> <p>1 THE WITNESS: I assume.</p> <p>2 BY MS. SCULLION:</p> <p>3 Q. Okay. Then it says, "In</p> <p>4 2004, according to the IMS national</p> <p>5 prescription audit, approximately</p> <p>6 17.9 million new prescriptions for this</p> <p>7 combination of oxycodone HCl and</p> <p>8 acetaminophen were written for the brand</p> <p>9 name Percocet."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So what Endo is</p> <p>13 saying is that nearly 20 years into</p> <p>14 generic competition, doctors are still</p> <p>15 writing it as Percocet brand name in</p> <p>16 large part, right?</p> <p>17 MS. VANNI: Object to form.</p> <p>18 THE WITNESS: Yes. But</p> <p>19 doctors, for the record, write the</p> <p>20 brand name on the script, even if</p> <p>21 the generic exists.</p> <p>22 BY MS. SCULLION:</p> <p>23 Q. Right. And then through</p> <p>24 generic substitution rules or laws, it</p>	<p style="text-align: right;">Page 169</p> <p>1 A. They can break it down into</p> <p>2 tablets and capsules if they had to. And</p> <p>3 that data became, you know, widely used</p> <p>4 by both the brand and the pharmaceutical</p> <p>5 industry to understand how their product</p> <p>6 was doing with respect to sales and</p> <p>7 demand.</p> <p>8 Q. Did you use IMS data when</p> <p>9 you were with Endo?</p> <p>10 A. IMS (sic) contracted to buy</p> <p>11 IMS data. You buy -- the pharmaceutical</p> <p>12 companies buy the data.</p> <p>13 Q. I'm sorry. I think you said</p> <p>14 IMS. You meant to say Endo contracted to</p> <p>15 buy --</p> <p>16 A. Well, contracted is maybe</p> <p>17 not the right -- Endo purchased IMS data.</p> <p>18 Q. Okay. And did you use the</p> <p>19 IMS data that Endo purchased when you</p> <p>20 were with Endo?</p> <p>21 A. Endo had a -- yeah, Endo --</p> <p>22 the forecasting group used the IMS data.</p> <p>23 Q. Did you from time to time</p> <p>24 look at the IMS data as part of your</p>




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<p style="text-align: right;">Page 170</p> <p>1 responsibilities?</p> <p>2 A. Probably did.</p> <p>3 Q. Okay. And as you said, the</p> <p>4 IMS data would -- could be broken down</p> <p>5 into, as -- units as small as the actual</p> <p>6 tablets right?</p> <p>7 A. Tablets or capsules, yeah.</p> <p>8 Q. So you could purchase data</p> <p>9 that would tell you the number of tablets</p> <p>10 or capsules being sold in any given zip</p> <p>11 code for example, right?</p> <p>12 MS. VANNI: Object to form.</p> <p>13 THE WITNESS: I don't know</p> <p>14 about zip code. I never saw any</p> <p>15 data going to zip code.</p> <p>16 BY MS. SCULLION:</p> <p>17 Q. Okay. What's the geographic</p> <p>18 region -- smallest geographic region you</p> <p>19 recall that you looked at?</p> <p>20 A. United States of America.</p> <p>21 Q. You looked at the entire --</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. That was for your</p> <p>24 generic business?</p>	<p style="text-align: right;">Page 172</p> <p>1 saw any zip code data.</p> <p>2 Q. But you don't know what the</p> <p>3 brand side saw?</p> <p>4 A. I don't know -- the brand</p> <p>5 side as far as I knew mostly focused --</p> <p>6 the brand companies that I'm familiar</p> <p>7 with focused on scripts. Okay. So --</p> <p>8 and every company that I worked in that</p> <p>9 had a brand, which were -- you know,</p> <p>10 whether it be BMS or Novartis or</p> <p>11 whomever, they focus on TRx's and new</p> <p>12 Rx's. That was the --</p> <p>13 Q. And that's prescription</p> <p>14 levels, right?</p> <p>15 A. That's prescription level.</p> <p>16 The generics focused on tablets and</p> <p>17 capsules.</p> <p>18 Q. Got it. Let's go to the</p> <p>19 next page of Exhibit 7. And going down</p> <p>20 to the last third of the page where it</p> <p>21 says "generic products."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Looking in the second</p>
<p style="text-align: right;">Page 171</p> <p>1 A. Generics don't care about</p> <p>2 states, to be honest. There's no</p> <p>3 reflection on the states.</p> <p>4 Q. Okay.</p> <p>5 A. It's -- remember, we sell to</p> <p>6 national accounts.</p> <p>7 Q. Got it?</p> <p>8 A. So they have their business</p> <p>9 nationally. CVS, AmerisourceBergen,</p> <p>10 McKesson, Cardinal, they sell nationally.</p> <p>11 They don't sell just to Pennsylvania and</p> <p>12 New Jersey. The brand business focuses</p> <p>13 on -- regions are divided that way. But</p> <p>14 generics is not -- is the United States,</p> <p>15 the whole United States.</p> <p>16 Q. Got it.</p> <p>17 A. I never saw data by zip</p> <p>18 code.</p> <p>19 Q. Okay.</p> <p>20 A. And I don't even know that</p> <p>21 Endo had it that small.</p> <p>22 Q. You just don't know one way</p> <p>23 or the other?</p> <p>24 A. I know on generics I never</p>	<p style="text-align: right;">Page 173</p> <p>1 paragraph, it says, "Our generic</p> <p>2 portfolio is currently comprised of</p> <p>3 products that cover a range of</p> <p>4 indications, most of which are focused in</p> <p>5 pain management."</p> <p>6 I think you described that</p> <p>7 earlier, that most of Endo's generics, at</p> <p>8 least as of 2004, were focused in pain</p> <p>9 management, correct?</p> <p>10 A. Yes.</p> <p>11 MS. VANNI: I'm sorry,</p> <p>12 Counsel. Where are you?</p> <p>13 MS. SCULLION: I'm sorry.</p> <p>14 So we're on page 11.</p> <p>15 MS. VANNI: Okay. Thank</p> <p>16 you.</p> <p>17 MS. SCULLION: The top says</p> <p>18 table of contents.</p> <p>19 MS. VANNI: Okay. Got it.</p> <p>20 MS. SCULLION: And then you</p> <p>21 see where it says "generic</p> <p>22 products"?</p> <p>23 MS. VANNI: Yeah.</p> <p>24 MS. SCULLION: That's where</p>




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<p style="text-align: right;">Page 174</p> <p>1 we are. Okay. So we're in the</p> <p>2 second paragraph.</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. The next sentence goes on to</p> <p>5 say, "One of our generic products is</p> <p>6 morphine sulfate extended-release</p> <p>7 tablets, which accounted for 10 percent</p> <p>8 of our total net sales in 2004."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. So that was a significant</p> <p>12 product, it was 10 percent of total net</p> <p>13 sales, right?</p> <p>14 MS. VANNI: Object to form.</p> <p>15 THE WITNESS: If they put it</p> <p>16 in the 10-K, again, I don't know</p> <p>17 if I was here at the time or not.</p> <p>18 I guess I was. It was 2004.</p> <p>19 Yeah, it was -- it was -- I</p> <p>20 guess you could call it</p> <p>21 significant.</p> <p>22 BY MS. SCULLION:</p> <p>23 Q. Okay. And then it says, "In</p> <p>24 addition, we have a generic oxycodone</p>	<p style="text-align: right;">Page 176</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Are we done with the 10-K?</p> <p>4 Q. For now, but do hold onto</p> <p>5 it, because I think we're going to come</p> <p>6 back to it for other questions later.</p> <p>7 (Document marked for</p> <p>8 identification as Exhibit</p> <p>9 Endo-Stevenson-8.)</p> <p>10 BY MS. SCULLION:</p> <p>11 Q. Okay. Mr. Stevenson, I'm</p> <p>12 going to hand you what's been marked as</p> <p>13 Exhibit Number 8.</p> <p>14 A. Okay.</p> <p>15 Q. And Exhibit Number 8, again</p> <p>16 is -- we have the metadata page as the</p> <p>17 first page. And again you can see in</p> <p>18 that top box under document</p> <p>19 identification, the last line custodian,</p> <p>20 that it says your name?</p> <p>21 A. Yeah, yes.</p> <p>22 Q. Just so I can orient you</p> <p>23 where this is coming from.</p> <p>24 The Bates number for the</p>
<p style="text-align: right;">Page 175</p> <p>1 hydrochloride and acetaminophen product,</p> <p>2 Endocet, which accounted for 19 percent</p> <p>3 of our total net sales in 2004."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And again, that would be a</p> <p>7 significant -- that was a significant</p> <p>8 product then, 19 percent of net sales,</p> <p>9 right?</p> <p>10 MS. VANNI: Object to form.</p> <p>11 THE WITNESS: I guess I'm</p> <p>12 struggling with what "significant"</p> <p>13 means. It all depends on how you</p> <p>14 define "significant."</p> <p>15 BY MS. SCULLION:</p> <p>16 Q. Okay. Then we'll just stick</p> <p>17 with the numbers. It was almost --</p> <p>18 Endocet was almost 20 percent of total</p> <p>19 net sales for Endo in 2004, right?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So combined,</p> <p>22 these two generic opioids were almost a</p> <p>23 third, it's 29 percent of net sales,</p> <p>24 right?</p>	<p style="text-align: right;">Page 177</p> <p>1 record is ENDO-OPIOID_MDL-04137944.</p> <p>2 If you go to the first page</p> <p>3 of -- of the PowerPoint. Do you see it's</p> <p>4 entitled Endo Pharmaceuticals Company</p> <p>5 Overview? And it's in April of 2004. Do</p> <p>6 you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Going to Page 2 of</p> <p>9 the PowerPoint, it lists management and</p> <p>10 senior staff.</p> <p>11 A. Yes.</p> <p>12 Q. And at the bottom under</p> <p>13 commercial senior management, you see</p> <p>14 yourself listed there, second from the</p> <p>15 bottom on the left?</p> <p>16 A. Yes.</p> <p>17 </p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>


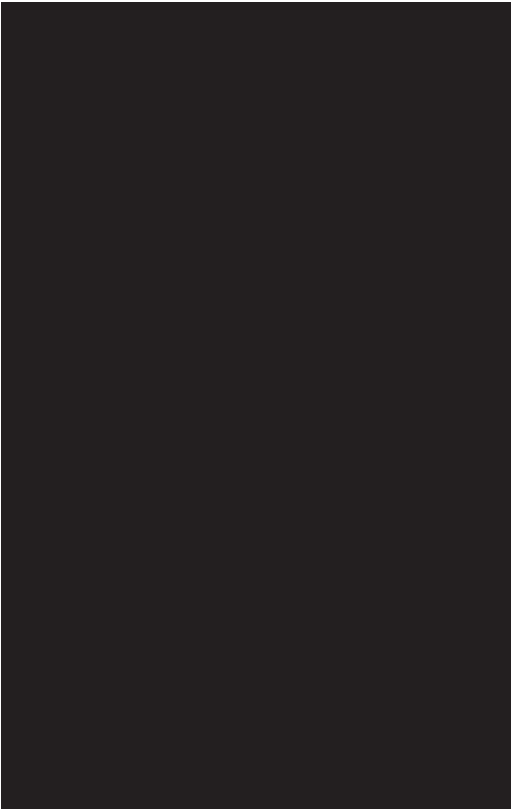


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<p>Page 179</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 181</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p>Page 182</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 184</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p>Page 183</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 185</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 





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<p>Page 187</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 189</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>



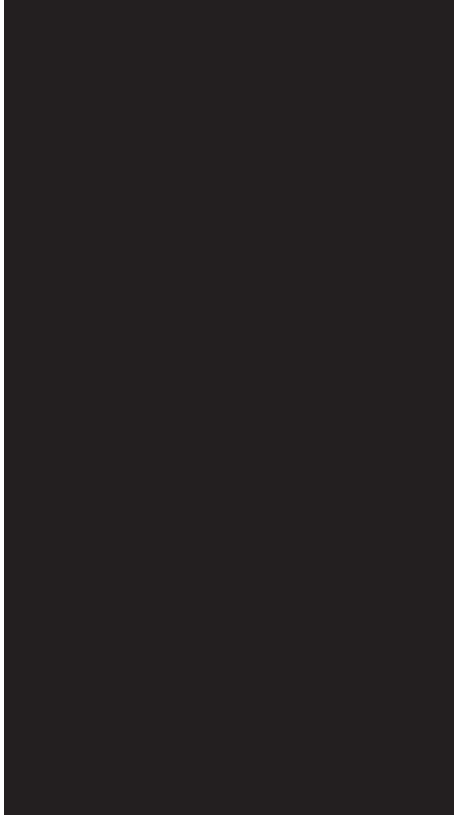

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<p>Page 191</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 193</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p>Page 194</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 196</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p>Page 195</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 197</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p>Page 198</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 200</p> <p>1 (Document marked for</p> <p>2 identification as Exhibit</p> <p>3 Endo-Stevenson-9.)</p> <p>4 BY MS. SCULLION:</p> <p>5 Q. I'm going to hand you what's</p> <p>6 been marked as Exhibit Number 9.</p> <p>7 MS. VANNI: Thank you.</p> <p>8 MS. SCULLION: Sure.</p> <p>9 BY MS. SCULLION:</p> <p>10 Q. And Exhibit Number 9 is</p> <p>11 Bates-stamped ENDO-OPIOID_MDL-03571186.</p> <p>12 Do you recognize Exhibit Number 9,</p> <p>13 Mr. Stevenson?</p> <p>14 A. How do you define recognize?</p> <p>15 Q. Let's try this. Do you see</p> <p>16 that at the top of Exhibit Number 9 is an</p> <p>17 e-mail from yourself to David Kerr again?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And this is in</p> <p>20 January of 2007, right?</p> <p>21 A. Yes.</p> <p>22 Q. And by this point, I think</p> <p>23 you explained, you had taken on the</p> <p>24 additional responsibilities with respect</p>
<p>Page 199</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 Q. Okay. I want to come back</p> <p>22 to Percocet.</p> <p>23 MS. SCULLION: Can I have</p> <p>24 Tab 27.</p>	<p>Page 201</p> <p>1 to the trade group; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And this e-mail</p> <p>4 concerns Percocet price increase</p> <p>5 effective February 1st, 2007; is that</p> <p>6 right?</p> <p>7 A. Apparently, yes.</p> <p>8 Q. Okay. If we can put that</p> <p>9 aside for the moment.</p> <p>10 MS. SCULLION: Tab 61.</p> <p>11 BY MS. SCULLION:</p> <p>12 Q. Mr. Stevenson -- I'm sorry.</p> <p>13 Were you reading something?</p> <p>14 A. No, not really.</p> <p>15 Q. Okay. If you are reading</p> <p>16 anything, I'm going to need to ask you</p> <p>17 what you're reading --</p> <p>18 A. Okay. No, I wasn't reading</p> <p>19 anything.</p> <p>20 Q. -- because I need to know</p> <p>21 what you're looking at while we're in</p> <p>22 looking -- while we're in the deposition.</p> <p>23 A. I wasn't reading anything.</p> <p>24 Q. Okay. So we talked about</p>

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<p>Page 202</p> <p>1 when you joined Endo, Endo was selling</p> <p>2 both Percocet and Endocet.</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 BY MS. SCULLION:</p> <p>23 Q. Okay.</p> <p>24 (Document marked for</p>	<p>Page 204</p> <p>1 page E 513.8.</p> <p>2 A. .8.</p> <p>3 Q. Upper right-hand corner.</p> <p>4 A. Okay.</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 203</p> <p>1 identification as Exhibit</p> <p>2 Endo-Stevenson-10.)</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. I'm going to hand you what's</p> <p>5 been marked as Exhibit 10.</p> <p>6 Exhibit 10 is Bates-stamped</p> <p>7 ENDO-OPIOID_MDL-04910731.</p> <p>8 And if you'll turn to the</p> <p>9 first page of the PowerPoint, you see</p> <p>10 it's Endo Pharmaceuticals Percocet. And</p> <p>11 it's the quarterly business review of the</p> <p>12 fourth quarter 2002, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And let's turn to, if</p> <p>15 you look in the upper right-hand corner</p> <p>16 we have some numbers that say E 513?</p> <p>17 A. Yes.</p> <p>18 Q. It makes it a little bit</p> <p>19 easier --</p> <p>20 A. Okay.</p> <p>21 Q. -- to navigate.</p> <p>22 I apologize. I lost my</p> <p>23 page. Hold on one second.</p> <p>24 Right. If you can go to</p>	<p>Page 205</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 207</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 209</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 211</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 213</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 215</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 217</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p>Page 218</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 220</p> <p>1 BY MS. SCULLION:</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
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<p>Page 227</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 229</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p style="text-align: right;">Page 234</p> <p>1 place to stop.</p> <p>2 MS. VANNI: Yeah? You're</p> <p>3 sure?</p> <p>4 MS. SCULLION: Yeah.</p> <p>5 THE VIDEOGRAPHER: Off the</p> <p>6 record, 12:15.</p> <p>7 - - -</p> <p>8 (Lunch break.)</p> <p>9 - - -</p> <p>10 THE VIDEOGRAPHER: We are</p> <p>11 back on the record at 1 o'clock.</p> <p>12 - - -</p> <p>13 EXAMINATION</p> <p>14 - - -</p> <p>15 BY MS. SCULLION:</p> <p>16 Q. Welcome back, Mr. Stevenson.</p> <p>17 You understand that you're still under</p> <p>18 oath?</p> <p>19 A. I do.</p> <p>20 Q. Good. Thank you. I want to</p> <p>21 focus now on the generic oxycodone</p> <p>22 extended-release product, generic</p> <p>23 OxyContin.</p> <p>24 A. Okay.</p>	<p style="text-align: right;">Page 236</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. Do you recall that product?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And that was a</p> <p>4 product that you had responsibility for,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And OxyContin was a</p> <p>8 product that Purdue originally had</p> <p>9 developed and sold, correct?</p> <p>10 A. It was -- yeah, it was a</p> <p>11 brand product that was marketed by Purdue</p> <p>12 Pharma.</p> <p>13 </p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 237</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>Page 239</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 241</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 243</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 245</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 BY MS. SCULLION:</p> <p>24 Q. Okay. And now, by the time</p>

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<p>Page 246</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 248</p> <p>1 Okay? Thank you.</p> <p>2 (Document marked for</p> <p>3 identification as Exhibit</p> <p>4 Endo-Stevenson-12.)</p> <p>5 BY MS. SCULLION:</p> <p>6 Q. Let me show you what's been</p> <p>7 marked as Exhibit 12.</p> <p>8 A. Are we done with the 10-K?</p> <p>9 Q. For the moment, yeah.</p> <p>10 A. Okay.</p> <p>11 Q. And Exhibit 12, for the</p> <p>12 record, is Bates-stamped</p> <p>13 ENDO-OPIOID_MDL-03256655.</p> <p>14 Mr. Stevenson, do you see</p> <p>15 that Exhibit 12 states on its cover</p> <p>16 that's a December 2003 GAO report and</p> <p>17 entitled Prescription Drugs, OxyContin</p> <p>18 Abuse and Diversion and Efforts to</p> <p>19 Address the Problem?</p> <p>20 A. Yes.</p> <p>21 Q. If you could just skim over</p> <p>22 it just to tell me if you have any</p> <p>23 recollection of ever having read the</p> <p>24 report or any part of it?</p>
<p>Page 247</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 MS. SCULLION: Let me just</p> <p>24 show it to you, just to make sure.</p>	<p>Page 249</p> <p>1 A. No, I've never seen it</p> <p>2 before.</p> <p>3 Q. Did you ever hear anyone</p> <p>4 discuss the GAO report?</p> <p>5 A. No.</p> <p>6 Q. Let's -- let's go to Page 9</p> <p>7 of the report. If you'll look on the</p> <p>8 bottom of the page, you'll see the page</p> <p>9 numbers.</p> <p>10 A. Oh, 9. Okay.</p> <p>11 Q. Yeah.</p> <p>12 A. I thought you were going to</p> <p>13 test my Roman numeral skills.</p> <p>14 Q. I'm sure you would do better</p> <p>15 than me. We already saw my math skills</p> <p>16 are not great.</p> <p>17 A. Okay. Page 9.</p> <p>18 Q. You got it. And, again, to</p> <p>19 make sure we're on the same page, in the</p> <p>20 middle of that page is a paragraph that</p> <p>21 begins "OxyContin sales and prescriptions</p> <p>22 grew rapidly."</p> <p>23 Are we on the same page?</p> <p>24 A. Yes, yes.</p>

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<p style="text-align: right;">Page 250</p> <p>1 Q. Okay. So the sentence there</p> <p>2 says, "OxyContin sales and prescriptions</p> <p>3 grew rapidly following its market</p> <p>4 introduction in 1996."</p> <p>5 And a little further down in</p> <p>6 the paragraph states, "In both 2001 and</p> <p>7 2002, oxy sales exceeded \$1 billion and</p> <p>8 prescriptions were over 7 million."</p> <p>9 Do you see that?</p> <p>10 A. I see that's what it says,</p> <p>11 yes.</p> <p>12 </p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 252</p> <p>1 you recall in terms of what you were</p> <p>2 referring to as media reports of abuse of</p> <p>3 the use of OxyContin?</p> <p>4 A. I don't remember the year.</p> <p>5 But, you know, I just remember media</p> <p>6 reports. When it occurred, I don't know</p> <p>7 when I first picked up on it.</p> <p>8 Q. Okay. And it goes onto</p> <p>9 explain that, "These media" -- "These</p> <p>10 reports first appeared in rural areas of</p> <p>11 some states, generally in the Appalachian</p> <p>12 region." Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall that</p> <p>15 Appalachia in particular had a lot of</p> <p>16 reports of OxyContin abuse -- abuse and</p> <p>17 diversion?</p> <p>18 MS. VANNI: Object to form.</p> <p>19 THE WITNESS: No, I don't</p> <p>20 recall that.</p> <p>21 BY MS. SCULLION:</p> <p>22 Q. Okay. And then it says in</p> <p>23 the next sentence, "Rural communities in</p> <p>24 Maine, Kentucky, Ohio, Pennsylvania,</p>
<p style="text-align: right;">Page 251</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 Q. The next paragraph refers</p> <p>20 to, I think, something that you were also</p> <p>21 discussing, which is media reports of</p> <p>22 OxyContin abuse and diversion began to</p> <p>23 surface in 2000.</p> <p>24 Is that consistent with what</p>	<p style="text-align: right;">Page 253</p> <p>1 Virginia, and West Virginia were</p> <p>2 reportedly being devastated by the abuse</p> <p>3 and diversion of OxyContin."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. In the early 2000s, were you</p> <p>7 living in Pennsylvania?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall there being</p> <p>10 reports about rural communities within</p> <p>11 Pennsylvania being devastated by the</p> <p>12 abuse and diversion of OxyContin?</p> <p>13 A. Not -- not really. I mean,</p> <p>14 I -- as I testified, I just recall, you</p> <p>15 know, general media -- media accounts.</p> <p>16 Where -- I don't -- I can't recall any</p> <p>17 specific location.</p> <p>18 Q. Okay. But you have no</p> <p>19 reason to doubt that, again, the accuracy</p> <p>20 of what the GAO is reporting in terms of</p> <p>21 rural communities in these states,</p> <p>22 including Ohio, Pennsylvania, West</p> <p>23 Virginia, reportedly being devastated?</p> <p>24 MS. VANNI: Object to form,</p>

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<p style="text-align: right;">Page 254</p> <p>1 foundation.</p> <p>2 THE WITNESS: I have no --</p> <p>3 no reason to doubt that's what's</p> <p>4 being written there.</p> <p>5 BY MS. SCULLION:</p> <p>6 Q. Okay. And if we go onto the</p> <p>7 next page, 10, the paragraph continues.</p> <p>8 And just going down, third line from the</p> <p>9 top. The sentence that begins, or</p> <p>10 states, "Pain patients, teens, and</p> <p>11 recreational drug users who had abused</p> <p>12 OxyContin reportedly entered drug</p> <p>13 treatment centers sweating and vomiting</p> <p>14 with withdrawal."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. And so this is talking about</p> <p>18 not only recreational drug users -- those</p> <p>19 would be people using it for nonmedical</p> <p>20 purposes, right? A recreational drug</p> <p>21 user is a person using it for nonmedical</p> <p>22 purposes, right?</p> <p>23 A. Are you asking me to testify</p> <p>24 that's written here? I'm sorry.</p>	<p style="text-align: right;">Page 256</p> <p>1 to right here.</p> <p>2 THE WITNESS: Yeah, I know.</p> <p>3 I see that. But the last</p> <p>4 question, I'm trying to find where</p> <p>5 it's --</p> <p>6 BY MS. SCULLION:</p> <p>7 Q. Sure. So as long as we are</p> <p>8 on the same page, let me start again.</p> <p>9 So the GAO is reporting</p> <p>10 that, in addition to recreational drug</p> <p>11 users, there also were pain patients who</p> <p>12 were reportedly entering drug treatment</p> <p>13 centers sweating and vomiting from</p> <p>14 withdrawal?</p> <p>15 A. Oh, and recreation -- "who</p> <p>16 had abused OxyContin reportedly entered</p> <p>17 drug treatment centers sweating and</p> <p>18 vomiting from withdrawal."</p> <p>19 Yes, that's what it says.</p> <p>20 Q. Okay.</p> <p>21 A. I'm not sure. Did I answer</p> <p>22 your question?</p> <p>23 Q. Yes. That's what it says.</p> <p>24 That's what GAO is reporting. And pain</p>
<p style="text-align: right;">Page 255</p> <p>1 Q. No, I'm asking -- I'm just</p> <p>2 asking just your understanding of the</p> <p>3 phrase "recreational drug users." That</p> <p>4 would refer to nonmedical users, right?</p> <p>5 A. I guess. I assume. I guess</p> <p>6 you can interpret it that way.</p> <p>7 Q. Okay. And the GAO explains</p> <p>8 that, in addition to recreational drug</p> <p>9 users, there also were pain patients who</p> <p>10 were reportedly entering drug treatment</p> <p>11 centers, correct? That's what the GAO is</p> <p>12 reporting?</p> <p>13 MS. VANNI: Object to form.</p> <p>14 THE WITNESS: Where is that</p> <p>15 located?</p> <p>16 BY MS. SCULLION:</p> <p>17 Q. The sentence says pain</p> <p>18 patients.</p> <p>19 A. Pain patients.</p> <p>20 Q. "Pain patients, teens, and</p> <p>21 recreational drug users."</p> <p>22 A. Okay.</p> <p>23 Q. Do you see that?</p> <p>24 MS. VANNI: She's referring</p>	<p style="text-align: right;">Page 257</p> <p>1 patients, those would be people under</p> <p>2 medical supervision, right? They're a</p> <p>3 patient?</p> <p>4 MS. VANNI: Object to form.</p> <p>5 THE WITNESS: Pain patients</p> <p>6 would be somebody under a</p> <p>7 physician's care, yes.</p> <p>8 BY MS. SCULLION:</p> <p>9 Q. And next sentence discusses</p> <p>10 reports concerning West Virginia.</p> <p>11 The next sentence says, "The</p> <p>12 media also reported on deaths due to</p> <p>13 OxyContin."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And that was also true,</p> <p>17 right, that their media was report that</p> <p>18 go there were deaths from OxyContin?</p> <p>19 MS. VANNI: Objection.</p> <p>20 THE WITNESS: I don't --</p> <p>21 again, I wasn't following it that</p> <p>22 closely. You know, there was --</p> <p>23 there was always a potential for</p> <p>24 abuse on a -- on any drug.</p>


65 (Pages 254 to 257)

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Page 258


1 BY MS. SCULLION:  
 2 Q. Okay. Let's go down then to  
 3 the next paragraph. Looking at the very  
 4 last sentence of the next paragraph,  
 5 which states, "The most recent data  
 6 available from DEA show that as of  
 7 February 2002, the agency had verified  
 8 146 deaths nationally involving OxyContin  
 9 in 2000 and 2001."  
 10 Do you see that?  
 11 A. Yes.  
 12 Q. And you have no reason to  
 13 doubt the accuracy, again, of what GAO is  
 14 reporting there, right?  
 15 A. No.  
 16 MS. VANNI: Object to form.  
 17 THE WITNESS: No doubt. No  
 18 reason to doubt.  
 19 BY MS. SCULLION:  
 20 Q. Before you joined Endo, had  
 21 you ever -- had any of the products that  
 22 you've been involved in, any of the  
 23 pharmaceutical products you had been  
 24 involved in, had death rates of that

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 12 MS. SCULLION: Can I have  
 13 Tab 1 and Tab 54, please.  
 14 (Document marked for  
 15 identification as Exhibit  
 16 Endo-Stevenson-13.)  
 17 BY MS. SCULLION:  
 18 Q. Mr. Stevenson, I'm going to  
 19 hand you what's been marked as  
 20 Exhibit 13.  
 21 A. Okay.  
 22 Q. And Exhibit 13 is  
 23 Bates-stamped ENDO-OPIOID\_MDL-03002818.  
 24 And, Mr. Stevenson, do you

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1 level, 146 deaths in two years?  
 2 MS. VANNI: Object to form.  
 3 THE WITNESS: I have no  
 4 idea.  
 5 BY MS. SCULLION:

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Page 261

1 recognize Exhibit 13 as a series of  
 2 e-mails in September of 2003 that  
 3 involved you as well as others at Endo?  
 4 A. Yes.  
 5 Q. Okay. Let's go to the last  
 6 page of Exhibit 13.  
 7 A. Is that the back page?  
 8 Q. It is. And this is the page  
 9 at the very top, has an e-mail from Dan  
 10 Carbery, dated September 5th, 2003,  
 11 6:35 p.m.  
 12 A. Yes.  
 13 Q. Okay. And it's addressed to  
 14 yourself and to MaryAlice Raudenbush,  
 15 correct?  
 16 A. Yes.  
 17 Q. And who was Dan Carbery at  
 18 that time? What was his position?  
 19 A. I think he was VP of  
 20 operations.  
 21 Q. Okay. And Ms. Raudenbush,  
 22 who was she?  
 23 A. She was the head of  
 24 regulatory affairs.

66 (Pages 258 to 261)

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<p>Page 262</p> <p>1 Q. There's cc'd on here, Jill</p> <p>2 Connell.</p> <p>3 A. Connell.</p> <p>4 Q. Connell. Thank you. I keep</p> <p>5 doing that. Jill Connell. Do you recall</p> <p>6 Ms. Connell's position?</p> <p>7 A. She worked for Dan Carbery.</p> <p>8 I don't remember her exact title.</p> <p>9 Q. Okay. And Sue Tolen, do you</p> <p>10 remember who she was?</p> <p>11 A. No.</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 264</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 263</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 265</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 266</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 268</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
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<p>Page 270</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 272</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 271</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 273</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>


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4 BY MS. SCULLION:  
5 Q. Okay.  
6 MS. SCULLION: Do we have  
7 Tab 54? Thank you.  
8 BY MS. SCULLION:  
9 Q. And you were part of those  
10 discussions with the DEA, correct, not  
11 the teleconference, but the subsequent  
12 discussion?  
13 A. I was at the -- I was at the  
14 meeting with the DEA, yes.  
15 Q. Okay. Let me hand you --  
16 are you okay?  
17 A. Yeah, I'm fine.  
18 (Document marked for  
19 identification as Exhibit  
20 Endo-Stevenson-14.)  
21 BY MS. SCULLION:  
22 Q. Let me hand you what's been  
23 marked as Exhibit 14.  
24 A. Having bifocals are not --


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1 they're not everything that they're  
2 cracked up to be.  
3 Q. I have tried them, they did  
4 not work for me.  
5 So Exhibit 14 is  
6 Bates-stamped ENDO-OPIOID\_MDL-03005612.  
7 And, Mr. Stevenson, do you  
8 see that Exhibit 14 starts with an e-mail  
9 from Sue Tolen to Dan Carbery, yourself,  
10 Bob Barto, and Jill Connell?  
11 A. Yes.  
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<p>Page 278</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 280</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p>Page 279</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 281</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

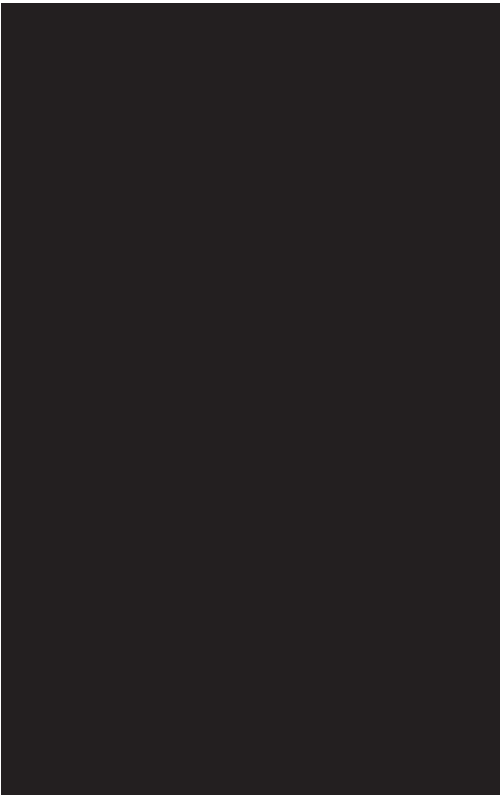
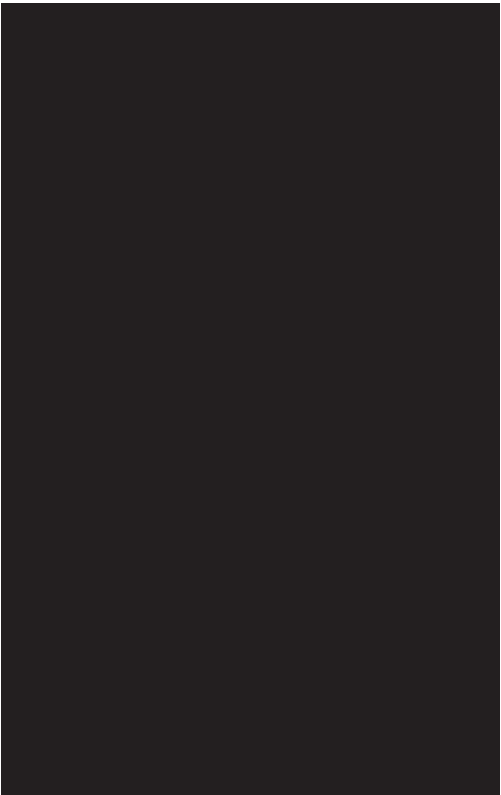
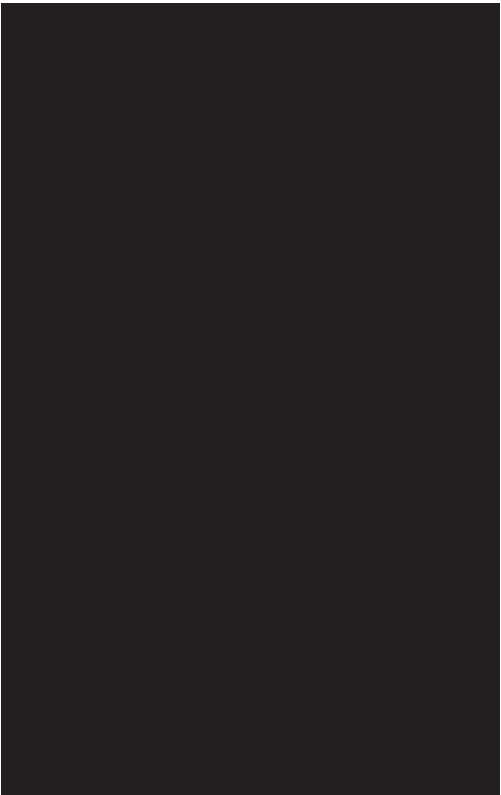
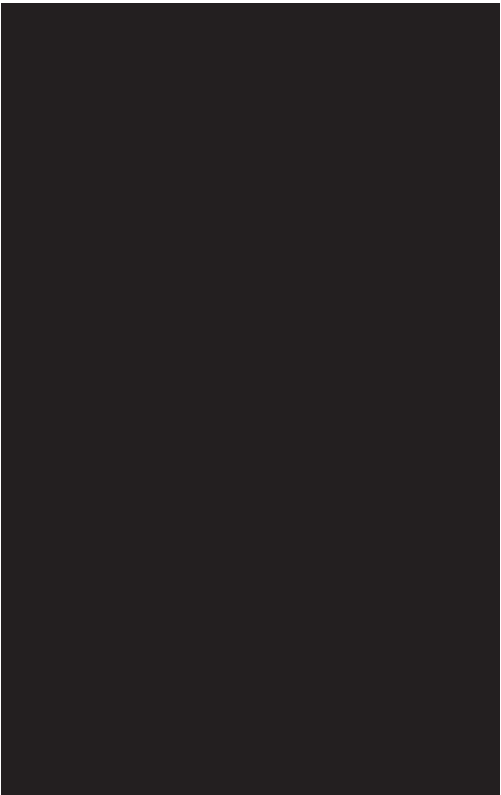
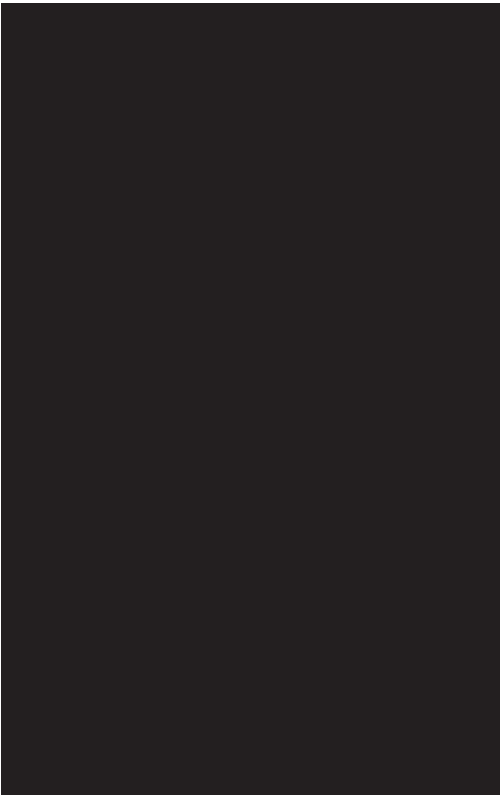
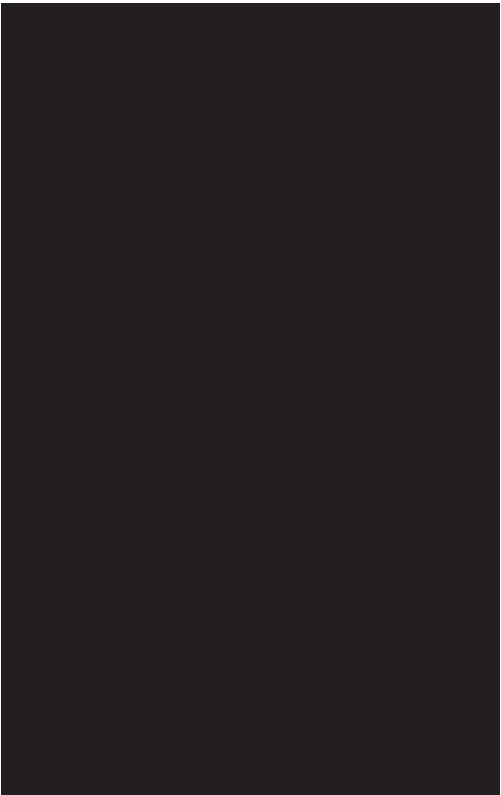
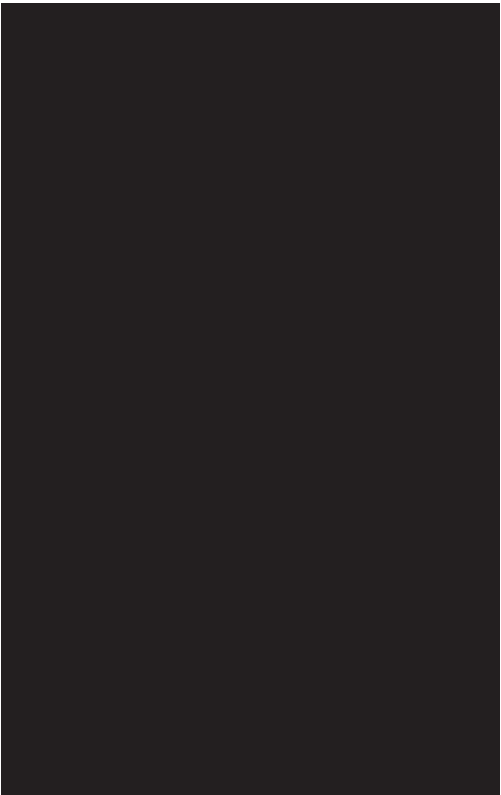
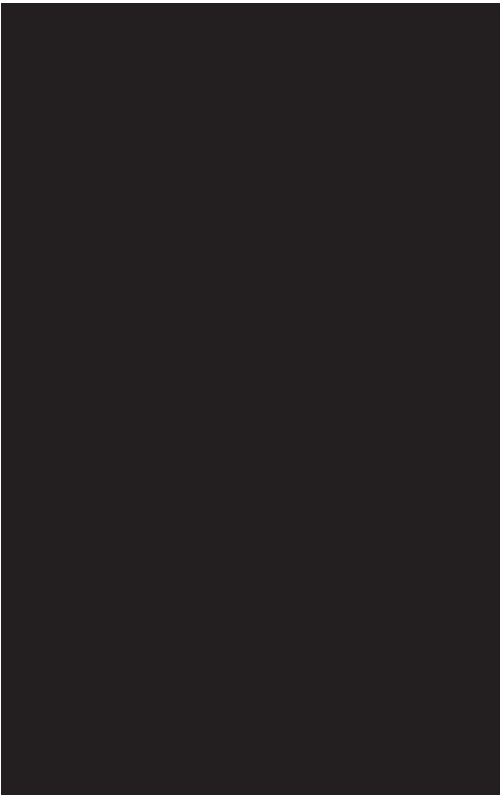
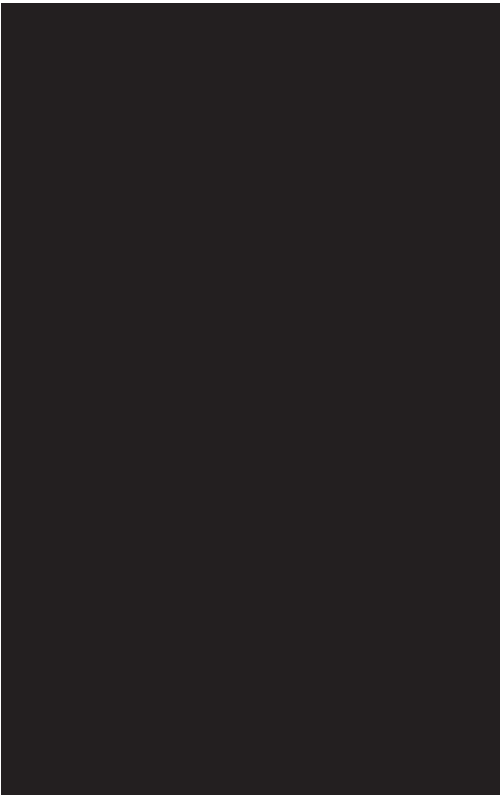
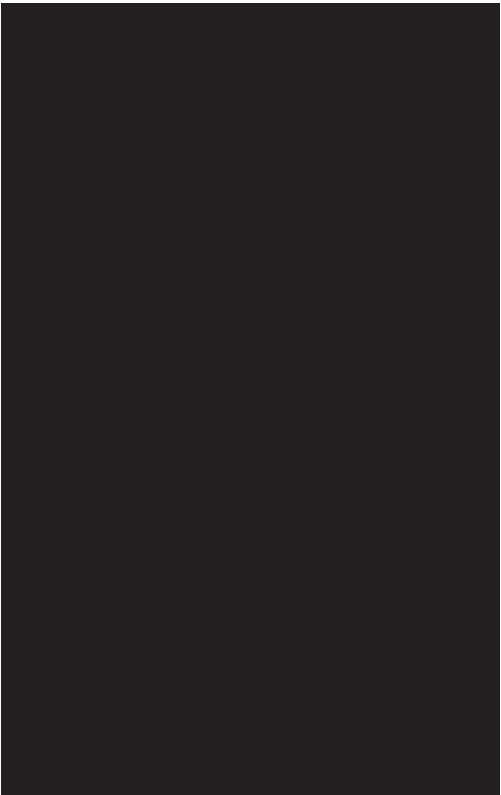
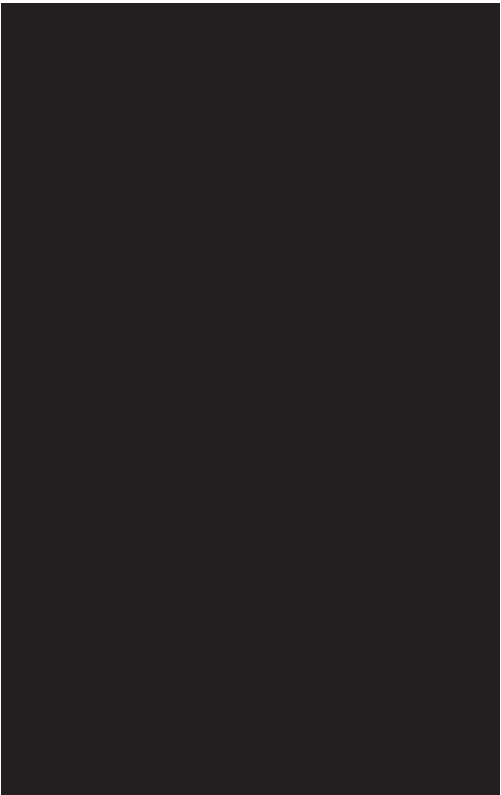
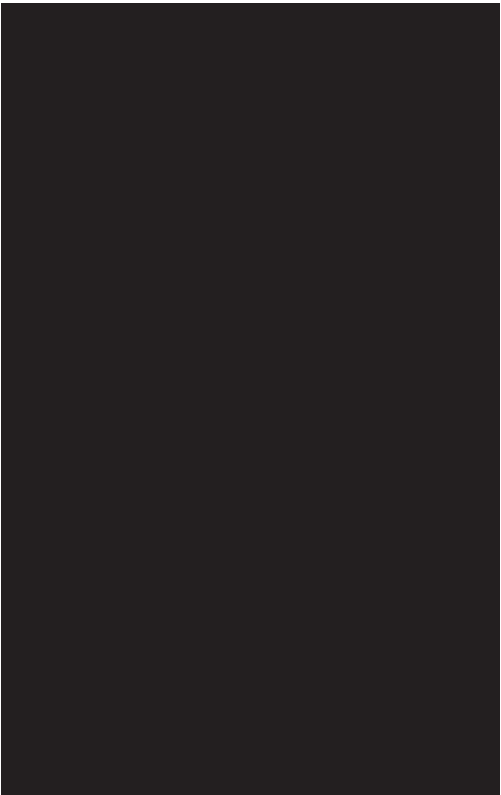
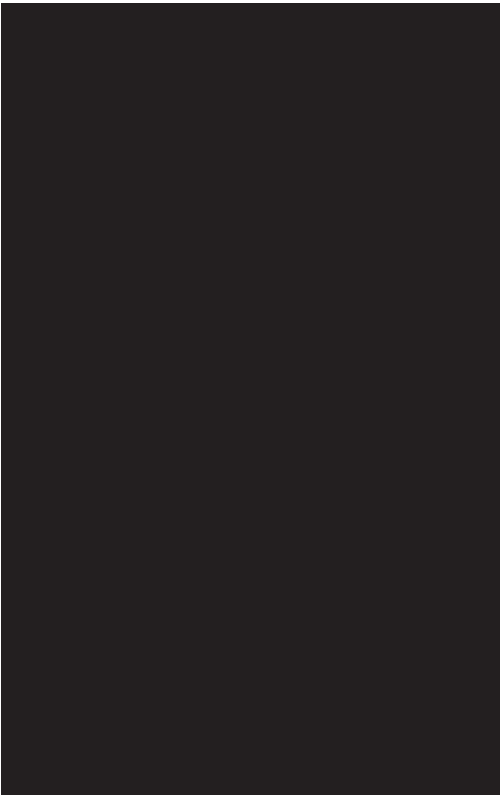
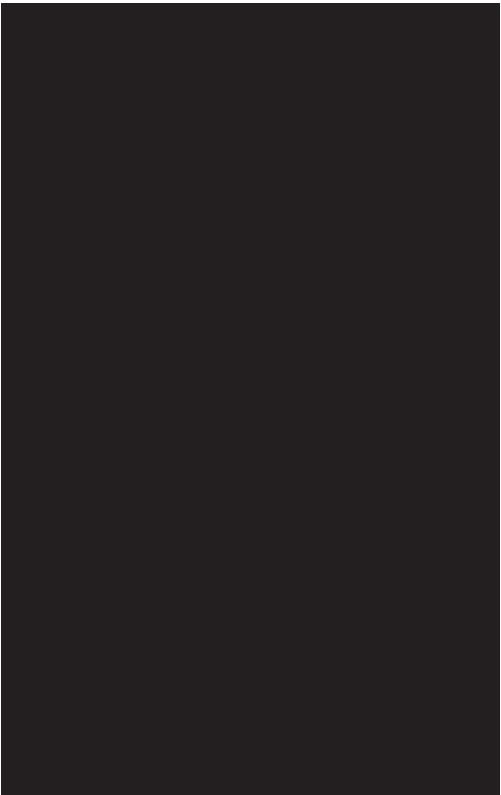
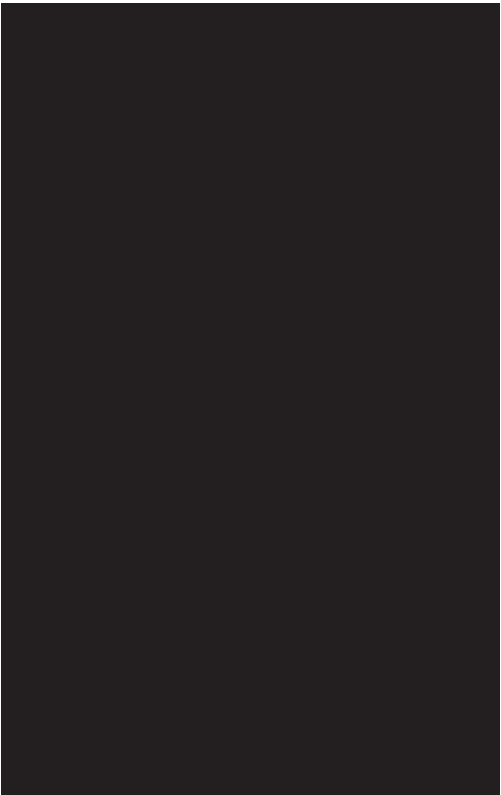
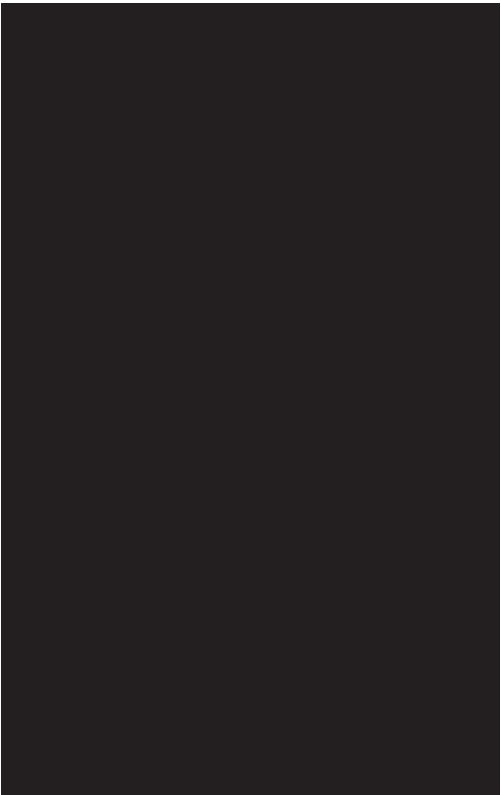
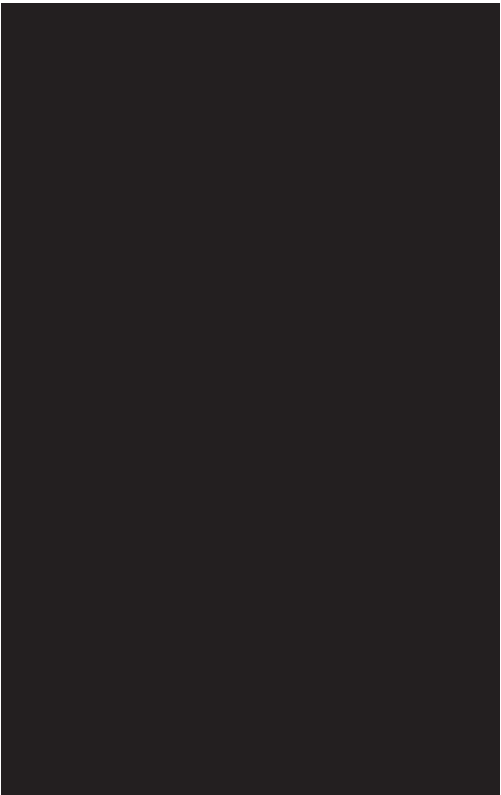
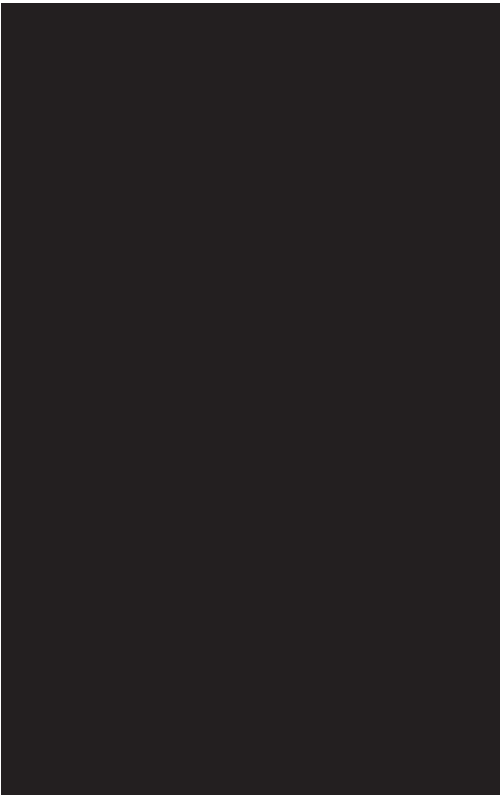
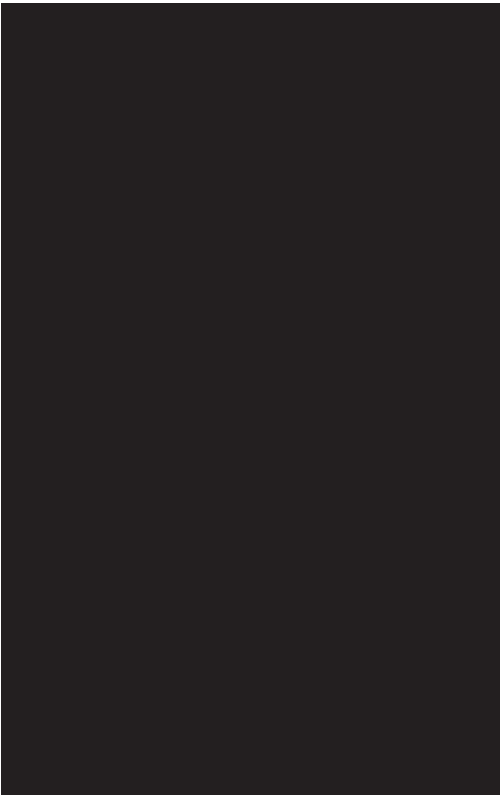
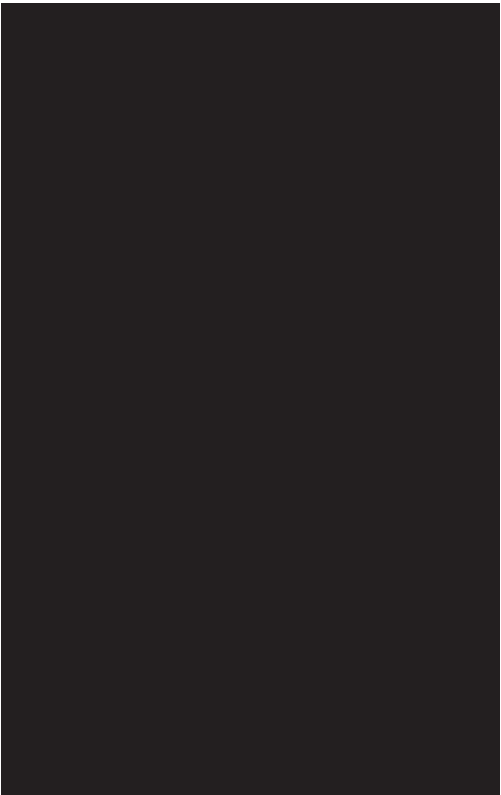
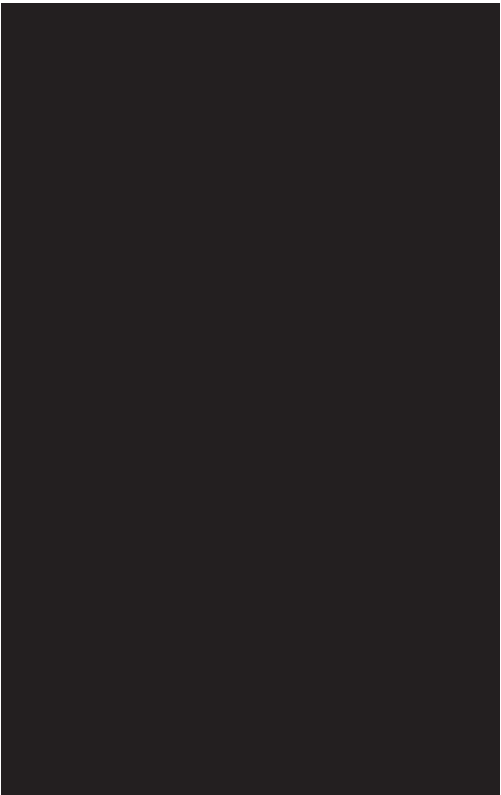
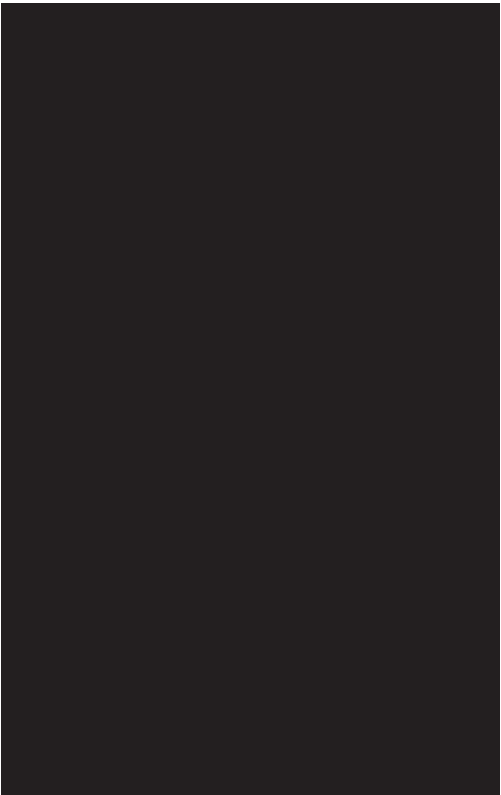
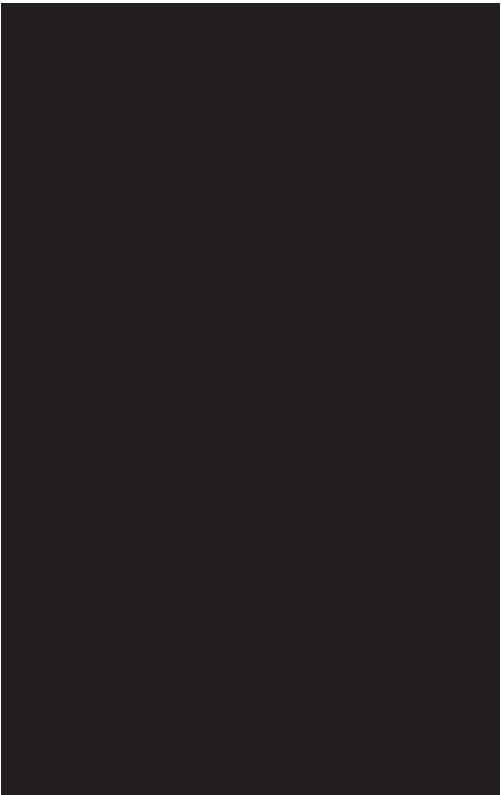
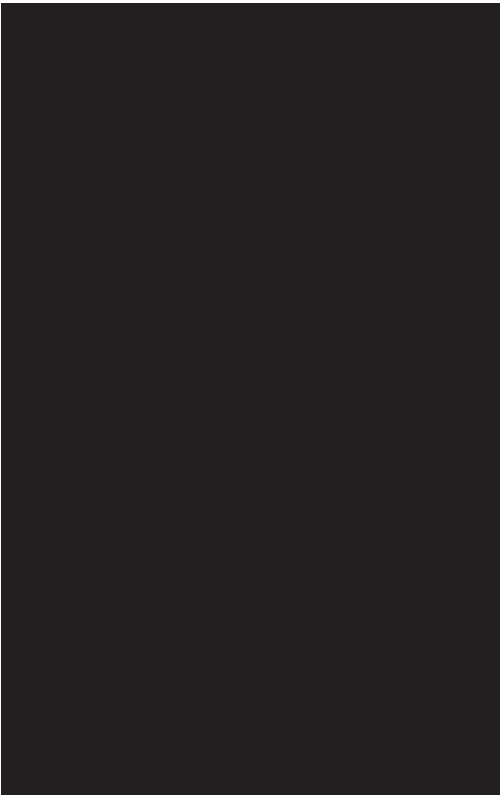
































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<p>Page 282</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 284</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 that, the risk management, the</p> <p>22 clean one?</p> <p>23 Sorry, one second.</p> <p>24 (Document marked for</p>
<p>Page 283</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 285</p> <p>1 identification as Exhibit</p> <p>2 Endo-Stevenson-15.)</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. Mr. Stevenson, let me hand</p> <p>5 you what's been marked as Exhibit 15.</p> <p>6 A. Thank you.</p> <p>7 Q. Again, Exhibit 15, we've</p> <p>8 started with a metadata page so you can</p> <p>9 see at the top again in the document</p> <p>10 identification box under custodian, you</p> <p>11 are listed there.</p> <p>12 A. Oh, yeah, I'm sure it was in</p> <p>13 my file.</p> <p>14 Q. Okay. And I'll acknowledge</p> <p>15 at the bottom of the page, I think</p> <p>16 there's some -- maybe some --</p> <p>17 MS. VANNI: Wite-Out.</p> <p>18 BY MS. SCULLION:</p> <p>19 Q. -- Wite-Out. It is just a</p> <p>20 remnant of, I think, Kseniya having</p> <p>21 e-mailed the information, which we're</p> <p>22 happy to show you. And the body of the</p> <p>23 document itself, which begins at</p> <p>24 ENDO-OPIOID_MDL-04137306.</p>

72 (Pages 282 to 285)

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<p style="text-align: right;">Page 286</p> <p>1 Do you see this is a risk</p> <p>2 management plan for opioid analgesics</p> <p>3 focused on oxycodone ER?</p> <p>4 A. Yes.</p> <p>5 Q. And it's a red-line. It's a</p> <p>6 marked-up, right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. But at least based on</p> <p>9 the metadata, you would have at least</p> <p>10 seen this markup, right?</p> <p>11 A. Yeah.</p> <p>12 MS. VANNI: Object to form.</p> <p>13 THE WITNESS: I already</p> <p>14 testified. I already testified to</p> <p>15 that.</p> <p>16 BY MS. SCULLION:</p> <p>17 Q. Yep. I just want to be able</p> <p>18 to show it to you there.</p> <p>19 MS. SCULLION: And then the</p> <p>20 actual clean version? It's a</p> <p>21 little easier to read. All right.</p> <p>22 (Document marked for</p> <p>23 identification as Exhibit</p> <p>24 Endo-Stevenson-16.)</p>	<p style="text-align: right;">Page 288</p> <p>1 </p> <p>2 </p> <p>3 </p> <p>4 </p> <p>5 </p> <p>6 </p> <p>7 </p> <p>8 </p> <p>9 </p> <p>10 </p> <p>11 </p> <p>12 </p> <p>13 </p> <p>14 </p> <p>15 </p> <p>16 </p> <p>17 </p> <p>18 </p> <p>19 </p> <p>20 </p> <p>21 </p> <p>22 </p> <p>23 </p> <p>24 </p>
<p style="text-align: right;">Page 287</p> <p>1 BY MS. SCULLION:</p> <p>2 Q. Let me hand you what's been</p> <p>3 marked as Exhibit 16. Exhibit 16 is</p> <p>4 Bates-stamped ENDO-OPIOID_MDL-01500831,</p> <p>5 and this is a clean copy --</p> <p>6 non-marked-up -- a clean copy of the risk</p> <p>7 management plan for opioid analgesics,</p> <p>8 focused on oxycodone ER.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. If you'll go to</p> <p>12 page -- again, we've marked these in the</p> <p>13 upper right-hand corner with E0778</p> <p>14 number. If you go to Page E0778.5 in the</p> <p>15 upper right-hand corner.</p> <p>16 A. Yes.</p> <p>17 </p> <p>18 </p> <p>19 </p> <p>20 </p> <p>21 </p> <p>22 </p> <p>23 </p> <p>24 </p>	<p style="text-align: right;">Page 289</p> <p>1 </p> <p>2 </p> <p>3 </p> <p>4 </p> <p>5 </p> <p>6 </p> <p>7 </p> <p>8 </p> <p>9 </p> <p>10 </p> <p>11 </p> <p>12 </p> <p>13 </p> <p>14 </p> <p>15 </p> <p>16 </p> <p>17 </p> <p>18 </p> <p>19 </p> <p>20 </p> <p>21 </p> <p>22 </p> <p>23 </p> <p>24 </p>

73 (Pages 286 to 289)

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<p>Page 290</p> <div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div>	<p>Page 292</p> <div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div>
<p>Page 291</p> <div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div>	<p>Page 293</p> <div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div>



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<p style="text-align: right;">Page 294</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>	<p style="text-align: right;">Page 296</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>
<p style="text-align: right;">Page 295</p> <p>1 Q. Okay. Let's put aside the 2 risk management plan for the moment. I 3 want to go back and now just talk about 4 generic oxycodone and Endo's plans around 5 that product. 6 We looked at the GAO report. 7 You don't recall seeing it, right? 8 A. Correct. 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>	<p style="text-align: right;">Page 297</p> <p>1 [REDACTED] 2 Let's take this -- going to 3 take it one step at a time. 4 MS. SCULLION: Can I have 5 Tab 47. 6 (Document marked for 7 identification as Exhibit 8 Endo-Stevenson-17.) 9 BY MS. SCULLION: 10 Q. So let me hand you what's 11 been marked as Exhibit 17. And 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>

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<p>Page 298</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 300</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 299</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 301</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p style="text-align: right;">Page 302</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 didn't have to -- the feeling was 14 there was a risk to the company by 15 pulling the market, the product 16 off the market right away. And 17 that wasn't desirable to do that. 18 At the same time we also knew we 19 had this issue to deal with. And 20 so, my recollection is that that 21 led to discussions with Purdue 22 Pharma that led to us being able 23 to continue to market the product 24 until December 31, 2006.</p>	<p style="text-align: right;">Page 304</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>
<p style="text-align: right;">Page 303</p> <p>1 MS. SCULLION: Okay. Let's 2 go to Tab 63. 3 (Document marked for 4 identification as Exhibit 5 Endo-Stevenson-18.) 6 BY MS. SCULLION: 7 Q. Let me hand you what's been 8 marked as Exhibit 18. 9 Exhibit 18 is a copy of Endo 10 Pharmaceuticals 10-K for the fiscal year 11 ended December 31, 2006. 12 MS. SCULLION: 18, right? 13 BY MS. SCULLION: 14 Q. And, Mr. Stevenson, let me 15 take you to Page 15 of the 10-K. 16 A. Okay. 17 Q. And under the heading, 18 Generic Products, the second paragraph 19 again discusses the -- you're not on the 20 page, hold on. I'll wait till you are 21 there. 22 A. Okay. I'm there. 23 [REDACTED] 24 [REDACTED]</p>	<p style="text-align: right;">Page 305</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>





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<p>Page 306</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 308</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 Q. Okay. Well, let's take a</p> <p>9 look at that.</p> <p>10 MS. SCULLION: Can I have</p> <p>11 Tab 66, please. Let's not use</p> <p>12 that one then.</p> <p>13 Let me have tab 68, please.</p> <p>14 (Document marked for</p> <p>15 identification as Exhibit</p> <p>16 Endo-Stevenson-19.)</p> <p>17 BY MS. SCULLION:</p> <p>18 Q. I'll hand you what's been</p> <p>19 marked as Exhibit 19.</p> <p>20 MS. VANNI: Thank you.</p> <p>21 BY MS. SCULLION:</p> <p>22 Q. And Exhibit 19, again, we</p> <p>23 have the metadata on the front to show</p> <p>24 that this was coming from your custodial</p>
<p>Page 307</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 309</p> <p>1 file. And then if you turn to the first</p> <p>2 page of the exhibit, you see it's a</p> <p>3 presentation by Cohn &amp; Wolfe Healthcare</p> <p>4 dated May 14th, 2004, the subject of</p> <p>5 which is corporate reputation management?</p> <p>6 A. Yes.</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 310</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 312</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p>Page 311</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 313</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p style="text-align: right;">Page 314</p> <p>1 [REDACTED]</p> <p>2 (Document marked for</p> <p>3 identification as Exhibit</p> <p>4 Endo-Stevenson-20.)</p> <p>5 BY MS. SCULLION:</p> <p>6 Q. Let me quickly show you</p> <p>7 Exhibit 20, only to help you -- to help</p> <p>8 you understand the 3202. Exhibit 20 is</p> <p>9 ENDO-OPIOID_MDL-01709708. And this is an</p> <p>10 e-mail from Mr. Barto to a variety of</p> <p>11 folks. And you are cc'd.</p> <p>12 Do you see that?</p> <p>13 A. Yes. It looks to me like</p> <p>14 most of the people on this list were vice</p> <p>15 presidents, not all perhaps, but yeah.</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p style="text-align: right;">Page 316</p> <p>1 this is the generic oxycodone product.</p> <p>2 The first element -- sorry, the first</p> <p>3 item listed in the situations is, "Opioid</p> <p>4 category synonymous with abuse."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And that was a concern</p> <p>8 Endo -- that was something that Endo was</p> <p>9 concerned about at the time, right, there</p> <p>10 was an opioid category that was kind of</p> <p>11 synonymous with abuse?</p> <p>12 MS. VANNI: Object to form.</p> <p>13 THE WITNESS: Well, I can't</p> <p>14 testify to that. This was written</p> <p>15 by some marketing firm. And that</p> <p>16 was what they wrote down on a</p> <p>17 piece of paper. That doesn't mean</p> <p>18 that Endo agreed with it.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Were you concerned that the</p> <p>21 opioid category was becoming synonymous</p> <p>22 with abuse?</p> <p>23 A. To be honest, no, because I</p> <p>24 saw it as helping people relieve their</p>
<p style="text-align: right;">Page 315</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 Okay. So going back to</p> <p>17 Exhibit 19. There is a page a couple</p> <p>18 pages back that's headed "Situation for</p> <p>19 Launching 3218" at the top.</p> <p>20 A. Okay.</p> <p>21 Q. Do you see that?</p> <p>22 A. Yeah.</p> <p>23 Q. And what's identified here</p> <p>24 is a situation for launching. Again,</p>	<p style="text-align: right;">Page 317</p> <p>1 pain, pain management.</p> <p>2 Q. Did you think that concerns</p> <p>3 about abuse of opioids at that time were</p> <p>4 overstated?</p> <p>5 MS. VANNI: Object to form.</p> <p>6 THE WITNESS: I didn't think</p> <p>7 they were overstated or</p> <p>8 understated.</p> <p>9 BY MS. SCULLION:</p> <p>10 Q. Okay. All right. Let's go</p> <p>11 to the case study section, which begins</p> <p>12 on the next page. If you can turn back,</p> <p>13 the first case study concerns Monsanto.</p> <p>14 The next says Purdue Pharma. The third</p> <p>15 case study here is Endo.</p> <p>16 Do you have that one?</p> <p>17 A. Yes.</p> <p>18 Q. All right. And what's</p> <p>19 described here is -- in the first bullet</p> <p>20 point is, "AG Pappert issues press</p> <p>21 release on April 22nd, warning of new</p> <p>22 wave of abuse from generic OxyContin."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 318</p> <p>1 Q. And then it indicates that, 2 "An AP article was released at 3:40 3 focused on concerns of the Attorney 4 General," correct? 5 A. Yes, that's what it says. 6 Q. All right. Then it 7 indicates that at 3:45, five minutes 8 later, Endo coordinates an interview with 9 Dr. Galer and AP reporter. 10 Do you see that? 11 A. Yes. 12 Q. And Dr. Galer, that was 13 Dr. Brad Galer, right? 14 A. Yes. 15 Q. And who was he at Endo at 16 the time? 17 A. I don't remember his exact 18 title, but he was involved in the science 19 side of the business. 20 Q. Okay. The science side of 21 the business is -- five minutes after 22 release of an article that's discussing 23 concerns from the Attorney General, State 24 of Pennsylvania, the science side of Endo</p>	<p style="text-align: right;">Page 320</p> <p>1 Tab 77. 2 BY MS. SCULLION: 3 Q. Now, you are aware that for 4 some people, OxyContin was not a godsend, 5 right? 6 MS. VANNI: Object to form. 7 THE WITNESS: I'm aware of 8 what I testified to earlier, that 9 there was abuse -- some of -- 10 there was abuse of OxyContin by 11 some. But that they were in the 12 overwhelmingly vast minority 13 compared to the number of people 14 that took, in this case OxyContin 15 to manage their pain. 16 BY MS. SCULLION: 17 Q. You are aware, are you not, 18 that for some people who took OxyContin 19 under a physician's direction, not 20 abusing it, but under direction, that 21 they described OxyContin as hell. You 22 are aware of that, right? 23 MS. VANNI: Object to form 24 and foundation.</p>
<p style="text-align: right;">Page 319</p> <p>1 is on the phone with an AP reporter. 2 That's what this is indicating, right? 3 MS. VANNI: Object to form. 4 THE WITNESS: That's what it 5 indicates. I don't know if that 6 happened. I have no way of 7 knowing. 8 BY MS. SCULLION: 9 Q. Then we see, at 4:38, so 10 less than an hour after the first AP 11 article, a second AP article now is 12 released. And it's described as having 13 a, quote, "balanced messages." 14 Do you see that, closed 15 quote? 16 A. Yes. 17 Q. And the first balanced 18 message indicated for the second AP 19 article is, "OxyContin has been a godsend 20 to patients suffering from severe, 21 long-lasting pain." 22 Did I read that correctly? 23 A. Yes. 24 MS. SCULLION: Can I have</p>	<p style="text-align: right;">Page 321</p> <p>1 THE WITNESS: No, I'm not 2 aware of that. 3 BY MS. SCULLION: 4 Q. Okay. 5 (Document marked for 6 identification as Exhibit 7 Endo-Stevenson-21.) 8 BY MS. SCULLION: 9 Q. Let me show you Exhibit 21. 10 And Exhibit 21 is a copy of 11 a May 5, 2016 article from the LA Times. 12 And it's titled "You want a description 13 of hell: OxyContin's 12-hour problem." 14 Do you see that? 15 A. Yes. 16 Q. Did you read this article 17 when it came out? 18 A. No. It was -- in May, May 19 5, 2016, I was in my noncompete phase. 20 Q. Okay. Your -- I won't ask 21 you to read it now since you haven't read 22 it before. But fair to say that, at 23 least according to this article, certain 24 patients described OxyContin as -- as</p>



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<p style="text-align: right;">Page 322</p> <p>1 hell and not a godsend, right?</p> <p>2 MS. VANNI: Object to form.</p> <p>3 THE WITNESS: Well, yeah, I</p> <p>4 just -- for the record, I think</p> <p>5 it's pure speculation to know</p> <p>6 whether they abused a product or</p> <p>7 didn't abuse a product, whether</p> <p>8 they took an opioid like</p> <p>9 OxyContin, drank alcohol, or -- or</p> <p>10 did other nefarious things that</p> <p>11 were contra to the indication on</p> <p>12 the label.</p> <p>13 So the title could be</p> <p>14 misleading. I don't know what</p> <p>15 caused their hell, the 12 hours of</p> <p>16 hell, just for the record.</p> <p>17 BY MS. SCULLION:</p> <p>18 Q. Now, going back to</p> <p>19 Exhibit 19.</p> <p>20 A. 19.</p> <p>21 Q. Yep.</p> <p>22 A. Be good at numbers.</p> <p>23 Q. I'm getting better.</p> <p>24 Same page we were just on,</p>	<p style="text-align: right;">Page 324</p> <p>1 material to doctors. That I don't</p> <p>2 recall.</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. Did you ever see any</p> <p>5 informational materials that went out</p> <p>6 directly to doctors concerning --</p> <p>7 A. I don't recall --</p> <p>8 Q. Sorry.</p> <p>9 -- concerning generic</p> <p>10 oxycodone ER?</p> <p>11 A. I don't recall any.</p> <p>12 Q. Do you recall seeing any</p> <p>13 "Dear Doctor" letters concerning generic</p> <p>14 oxycodone ER that told the doctors</p> <p>15 that -- that that medication should not</p> <p>16 be overprescribed?</p> <p>17 A. I don't recall any.</p> <p>18 Q. Okay. And turn the page --</p> <p>19 A. But I -- can I -- I do want</p> <p>20 to stipulate though, it says --</p> <p>21 Q. I'm so sorry, I apologize,</p> <p>22 Mr. Stevenson. Your counsel will have</p> <p>23 the opportunity to ask you questions, and</p> <p>24 I'm certain that she will. So I'm trying</p>
<p style="text-align: right;">Page 323</p> <p>1 which discusses the AP article that came</p> <p>2 out, second AP article after Endo</p> <p>3 coordinated an interview between</p> <p>4 Dr. Galer and the AP reporter.</p> <p>5 The third bullet point with</p> <p>6 respect to balanced messages in that</p> <p>7 article says, "The company, Endo, plans</p> <p>8 to monitor for prescription data for</p> <p>9 signs of abuse and tell doctors that the</p> <p>10 medication should not be overprescribed."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Now, I think you've</p> <p>14 mentioned and testified to rather a</p> <p>15 number of times, with respect to generic</p> <p>16 oxycodone ER, Endo wasn't going to be</p> <p>17 telling doctors anything, right? Endo is</p> <p>18 not directly communicating with</p> <p>19 physicians concerning that generic</p> <p>20 product, right?</p> <p>21 MS. VANNI: Object to form.</p> <p>22 THE WITNESS: They were not</p> <p>23 promoting it. I do not know if</p> <p>24 they sent out informational</p>	<p style="text-align: right;">Page 325</p> <p>1 to move on to the next part of this</p> <p>2 document. Sorry.</p> <p>3 The recommendations section</p> <p>4 on -- starts with communications</p> <p>5 imperatives. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And do you see that one of</p> <p>8 the communications imperatives identified</p> <p>9 a must have as part of a crisis</p> <p>10 preparedness program is, looking at the</p> <p>11 third bullet point, "A strategy to</p> <p>12 neutralize critics/activists."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Those are pretty strong</p> <p>16 words, right, neutralize?</p> <p>17 MS. VANNI: Object to form.</p> <p>18 THE WITNESS: I didn't write</p> <p>19 them. They were written by a PR</p> <p>20 firm.</p> <p>21 BY MS. SCULLION:</p> <p>22 Q. Well -- just to make sure we</p> <p>23 are on the same page. This was, in fact,</p> <p>24 a PR firm that Endo hired. But I -- I</p>

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<p style="text-align: right;">Page 326</p> <p>1 will show you. I know you said you don't</p> <p>2 remember. Let me show you, so you know</p> <p>3 the basis on which we are saying that.</p> <p>4 You don't have to take my word for it.</p> <p>5 (Document marked for</p> <p>6 identification as Exhibit</p> <p>7 Endo-Stevenson-22.)</p> <p>8 BY MS. SCULLION:</p> <p>9 Q. Let me show you what's been</p> <p>10 marked as Exhibit 22.</p> <p>11 And Exhibit 22 is a copy of</p> <p>12 Endo Health Solutions Inc. and Endo</p> <p>13 Pharmaceutical Inc.'s -- excuse me, Endo</p> <p>14 Pharmaceuticals Inc.'s supplemental</p> <p>15 objections and responses to plaintiffs'</p> <p>16 second set of interrogatories numbers --</p> <p>17 and I'm not going to read the series of</p> <p>18 numbers.</p> <p>19 If you'll go to Page 35.</p> <p>20 A. Can I just ask a question?</p> <p>21 Q. Absolutely.</p> <p>22 A. What -- what is the date of</p> <p>23 this document?</p> <p>24 Q. Sure. The date of this</p>	<p style="text-align: right;">Page 328</p> <p>1 to --</p> <p>2 A. But Cohn &amp; Wolfe did not do</p> <p>3 any marketing or promotional materials</p> <p>4 for the generic business, just for --</p> <p>5 Q. That's fine.</p> <p>6 A. For the record.</p> <p>7 Q. That's fine.</p> <p>8 Here, here we're looking in</p> <p>9 Exhibit 19 at what is more traditionally</p> <p>10 called public relations.</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So let's -- we were</p> <p>13 on the page communications imperatives.</p> <p>14 A. Yes.</p> <p>15 Q. And the strategy to</p> <p>16 neutralize critics/activists, right?</p> <p>17 A. Yes.</p> <p>18 Q. Just getting us back to</p> <p>19 where we are.</p> <p>20 Now, again, what's written</p> <p>21 here is to neutralize the critics and</p> <p>22 activists. It doesn't say for example,</p> <p>23 engage in a thoughtful debate, right?</p> <p>24 MS. VANNI: Object to form.</p>
<p style="text-align: right;">Page 327</p> <p>1 document is November 15, 2018.</p> <p>2 A. 2018, okay.</p> <p>3 Q. Correct. If you'll go to</p> <p>4 Page 34.</p> <p>5 A. 34.</p> <p>6 Q. And I'm looking at</p> <p>7 Interrogatory Number 31.</p> <p>8 A. 34, okay.</p> <p>9 Q. Okay. And this is an</p> <p>10 interrogatory, you can see, that asks</p> <p>11 Endo to identify all vendors, including</p> <p>12 but not limited to, public relations</p> <p>13 firms you have retained for purposes</p> <p>14 relating to opioids. And it -- it asks</p> <p>15 for certain details.</p> <p>16 And on the next page, 35,</p> <p>17 you see listed under vendor, Cohn &amp;</p> <p>18 Wolfe. It says, "/GCI Health." And it</p> <p>19 identifies the purpose for hiring that</p> <p>20 vendor as marketing and promotional</p> <p>21 materials, public relations.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So let's go back</p>	<p style="text-align: right;">Page 329</p> <p>1 THE WITNESS: I had no way</p> <p>2 of controlling what somebody</p> <p>3 writes in a PowerPoint</p> <p>4 presentation who worked for</p> <p>5 another firm.</p> <p>6 BY MS. SCULLION:</p> <p>7 Q. Just asking. It doesn't say</p> <p>8 that, right, it doesn't say engage in a</p> <p>9 thoughtful debate, right?</p> <p>10 MS. VANNI: Object to form.</p> <p>11 THE WITNESS: No, it says</p> <p>12 neutralize, as we've already said</p> <p>13 five times.</p> <p>14 BY MS. SCULLION:</p> <p>15 Q. It doesn't say give</p> <p>16 considered attention to the concerns of a</p> <p>17 community devastated by the opioid</p> <p>18 epidemic, it doesn't say that, right?</p> <p>19 MS. VANNI: Objection to</p> <p>20 form.</p> <p>21 THE WITNESS: No, it doesn't</p> <p>22 say that.</p> <p>23 BY MS. SCULLION:</p> <p>24 Q. Says neutralize the critics</p>

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<p style="text-align: right;">Page 330</p> <p>1 and -- and activists, right?</p> <p>2 A. Yes, that's what it says.</p> <p>3 Q. Right. And common</p> <p>4 understanding of the term "neutralize"</p> <p>5 means to stop something from being</p> <p>6 effective, right?</p> <p>7 MS. VANNI: Object to form.</p> <p>8 THE WITNESS: I don't know</p> <p>9 how the -- what the intent of the</p> <p>10 meaning was in the PowerPoint</p> <p>11 presentation, since I didn't write</p> <p>12 it.</p> <p>13 BY MS. SCULLION:</p> <p>14 Q. That's -- that's an</p> <p>15 understanding of what the -- the term</p> <p>16 "neutralize" does mean: Stop something</p> <p>17 from being effective?</p> <p>18 MS. VANNI: Object to form.</p> <p>19 THE WITNESS: One could have</p> <p>20 numerous, numerous definitions.</p> <p>21 Who knows what was in the state of</p> <p>22 mind of the individual who wrote</p> <p>23 it.</p> <p>24 BY MS. SCULLION:</p>	<p style="text-align: right;">Page 332</p> <p>1 I probably told you to go back too far.</p> <p>2 I apologize.</p> <p>3 A. Okay. Let's start over</p> <p>4 again.</p> <p>5 Q. Yeah.</p> <p>6 A. Oh, is that it?</p> <p>7 Q. That's it. Thank you. I</p> <p>8 apologize, we don't have page numbers.</p> <p>9 A. That's all right. No</p> <p>10 problem. My mistake.</p> <p>11 Q. This section is talking</p> <p>12 about three options for a media strategy.</p> <p>13 And again, this is for the launch of</p> <p>14 generic oxycodone ER product, right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And then if you go to</p> <p>17 the next page, in discussing the pros and</p> <p>18 cons of one option, which is to conduct</p> <p>19 top tier briefings, do you see under the</p> <p>20 cons section, fourth bullet point down</p> <p>21 is, "Endo 'blues' story emerges."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And if you go to the next</p>
<p style="text-align: right;">Page 331</p> <p>1 Q. Well, the one thing we do</p> <p>2 know is they -- they wrote that there</p> <p>3 must -- the must have was a strategy to</p> <p>4 neutralize critics and activists. That's</p> <p>5 what they did write, right?</p> <p>6 MS. VANNI: Object to form.</p> <p>7 THE WITNESS: That's what</p> <p>8 they wrote, yes.</p> <p>9 BY MS. SCULLION:</p> <p>10 Q. Okay. And then if you'll go</p> <p>11 two more pages in. This is part of the</p> <p>12 presentation of options for media</p> <p>13 strategy for the 3218 launch.</p> <p>14 Do you see that?</p> <p>15 A. What does it say at the top?</p> <p>16 Q. Media strategy for 3218</p> <p>17 launch, three options?</p> <p>18 A. Media -- media launch tab,</p> <p>19 do you reckon that is what it is?</p> <p>20 MS. VANNI: It's not up on</p> <p>21 the screen.</p> <p>22 BY MS. SCULLION:</p> <p>23 Q. Oh. That's the one. Media</p> <p>24 strategy for 3218 launch, three options.</p>	<p style="text-align: right;">Page 333</p> <p>1 page, which is discussing another</p> <p>2 potential media strategy option. Again,</p> <p>3 under the cons we see listed, "Endo</p> <p>4 'blues' story emerges."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And same thing on the last</p> <p>8 potential strategy under the cons, "Endo</p> <p>9 'blues' story emerges."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And that was a reference to</p> <p>13 the history of abuse of the oxymorphone</p> <p>14 pills in the '60s and '70s, right?</p> <p>15 MS. VANNI: Objection,</p> <p>16 foundation.</p> <p>17 THE WITNESS: I have no</p> <p>18 knowledge what it is. I've never</p> <p>19 heard of it before.</p> <p>20 BY MS. SCULLION:</p> <p>21 Q. You never heard anyone talk</p> <p>22 about a prior version of oxymorphone</p> <p>23 being called "the blues"?</p> <p>24 A. No. I have never heard that</p>

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<p>1 before.</p> <p>2 Q. Okay.</p> <p>3 MS. SCULLION: Can I have</p> <p>4 tab -- Tab 74 and 72.</p> <p>5 (Document marked for</p> <p>6 identification as Exhibit</p> <p>7 Endo-Stevenson-23.)</p> <p>8 BY MS. SCULLION:</p> <p>9 Q. Let me first hand you what's</p> <p>10 been marked Exhibit 23.</p> <p>11 Exhibit 23 is an excerpt</p> <p>12 from a book called "Drug Abuse: Current</p> <p>13 concerns and research."</p> <p>14 A. What is the date of this</p> <p>15 document?</p> <p>16 Q. If you'll turn to the second</p> <p>17 page of the exhibit, you can see that</p> <p>18 this was a book that was copyrighted in</p> <p>19 1972.</p> <p>20 A. Okay. Thank you.</p> <p>21 Q. Okay. And again I don't</p> <p>22 have all the page numbers, so it's a</p> <p>23 little bit hard to direct you. But,</p> <p>24 yeah, in the upper right-hand corner we</p>	<p>1 Q. And this is indicated to be</p> <p>2 Chapter 35 of this book. And it is</p> <p>3 entitled "Oxymorphone Abuse Among</p> <p>4 Narcotic Addicts."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And it discusses in the</p> <p>8 first line, "Numorphan (oxymorphone), a</p> <p>9 narcotic analgesic developed and first</p> <p>10 marketed by Endo Laboratories in 1966 has</p> <p>11 become a drug abuse" -- "a drug of abuse</p> <p>12 among a sizable segment of the narcotic</p> <p>13 addict population."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And I think we</p> <p>17 discussed earlier, oxymorphone was the</p> <p>18 opioid Endo used in the Opana IR and ER</p> <p>19 products, right?</p> <p>20 MS. VANNI: Object to form.</p> <p>21 THE WITNESS: It was a brand</p> <p>22 product, which I had no</p> <p>23 involvement.</p> <p>24 BY MS. SCULLION:</p>
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<p>1 have numbers E137. Do you see those</p> <p>2 numbers?</p> <p>3 A. I'm sorry, I don't see them.</p> <p>4 Do you see them?</p> <p>5 MS. VANNI: Where is it?</p> <p>6 I'm sorry.</p> <p>7 MS. SCULLION: Sure. You</p> <p>8 have these -- upper right-hand</p> <p>9 corner.</p> <p>10 THE WITNESS: I have to get</p> <p>11 through the --</p> <p>12 MS. SCULLION: You have</p> <p>13 these little numbers that say</p> <p>14 E137.</p> <p>15 THE WITNESS: Oh, at the</p> <p>16 back. I see.</p> <p>17 MS. SCULLION: Yeah.</p> <p>18 THE WITNESS: Okay. Sorry.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Sure. And so --</p> <p>21 A. I'm sorry. What is the</p> <p>22 page?</p> <p>23 Q. E137.1.</p> <p>24 A. Yeah.</p>	<p>1 Q. I'm just asking the -- you</p> <p>2 understand that was the same opioid,</p> <p>3 right?</p> <p>4 MS. VANNI: Object to form,</p> <p>5 foundation.</p> <p>6 THE WITNESS: To be honest,</p> <p>7 you know, I haven't done -- what</p> <p>8 the derivative is or what was the</p> <p>9 predecessor of it, I really don't</p> <p>10 know. It wasn't my focus.</p> <p>11 BY MS. SCULLION:</p> <p>12 Q. Sure. We saw earlier in the</p> <p>13 10-K though that oxymorphone was listed</p> <p>14 as one of the products that Endo was</p> <p>15 marketing during your time there?</p> <p>16 A. Oh, yeah. They were</p> <p>17 marketing several products when I was</p> <p>18 there.</p> <p>19 Q. Okay. And then if you look</p> <p>20 under the heading "Background," you'll</p> <p>21 see in the second paragraph, it says, "On</p> <p>22 the street Numorphan can be identified by</p> <p>23 its various subculture names Numorphine,</p> <p>24 Blue Morphine, Blue Morphan, or Blues."</p>

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<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. If you go to the next page.</p> <p>4 E137.2, under the heading "The Prevalence</p> <p>5 of Numorphan Abuse," do you see it says,</p> <p>6 "The abuse of Numorphan appears to be</p> <p>7 rather widespread geographically.</p> <p>8 Without any systematic attempt to gather</p> <p>9 case histories, we have discovered</p> <p>10 Numorphan addicts in Florida, Kentucky,</p> <p>11 Pennsylvania, and New York."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 MS. SCULLION: Let's look at</p> <p>15 Tab 72.</p> <p>16 (Document marked for</p> <p>17 identification as Exhibit</p> <p>18 Endo-Stevenson-24.)</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. I'll show you what's been</p> <p>21 marked as Exhibit 24. Exhibit 24 is</p> <p>22 Bates-stamped ENDO-OPIOID_MDL-06775127.</p> <p>23 MS. VANNI: Just note my</p> <p>24 objection to the extent that this</p>	<p>1 lives of thousands of abusers."</p> <p>2 Do you see that?</p> <p>3 A. I see that's what it says.</p> <p>4 Q. Okay. And you were aware</p> <p>5 that Opana was twice as strong as</p> <p>6 OxyContin, right?</p> <p>7 MS. VANNI: Object to form</p> <p>8 foundation.</p> <p>9 THE WITNESS: No, I was not</p> <p>10 aware of that.</p> <p>11 BY MS. SCULLION:</p> <p>12 Q. Any reason to doubt the</p> <p>13 accuracy of that?</p> <p>14 MS. VANNI: Objection.</p> <p>15 THE WITNESS: I have no idea</p> <p>16 who Mr. Elzweig is. I have no --</p> <p>17 I have no knowledge of what he</p> <p>18 based his article on. So I do not</p> <p>19 know that it was twice as large,</p> <p>20 one third as large or less. I</p> <p>21 have no -- again, as I testified</p> <p>22 before, whether it's -- what is</p> <p>23 this drug called? Numorphan or</p> <p>24 oxy -- oxymorphone, that's a brand</p>
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<p>1 postdates his employment.</p> <p>2 MS. SCULLION: Understood.</p> <p>3 BY MS. SCULLION:</p> <p>4 Q. If you go down to the bottom</p> <p>5 of the first page of Exhibit 24. I just</p> <p>6 want to direct your attention to the</p> <p>7 e-mail. It's from Robert Reder to a</p> <p>8 variety of folks. And it is dated</p> <p>9 March 6, 2008.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And let's turn to the</p> <p>13 next page. You'll see that Dr. Reder is</p> <p>14 forwarding an item from the New York</p> <p>15 press entitled "Opana: A Brief History."</p> <p>16 Do you see that?</p> <p>17 A. Yeah. Yes.</p> <p>18 Q. And just for orientation,</p> <p>19 the first paragraph states, "Opana, a</p> <p>20 powerful painkiller that went on the</p> <p>21 market less than two years ago, is twice</p> <p>22 as strong as OxyContin with a potential</p> <p>23 for addiction that rivals the</p> <p>24 prescription drug that has ravaged the</p>	<p>1 product, not a generic.</p> <p>2 So my involvement was only</p> <p>3 in the stocking of the product</p> <p>4 once I took over trade affairs in</p> <p>5 late '06. I had no other</p> <p>6 involvement with the product. I</p> <p>7 didn't follow the product. I</p> <p>8 wasn't involved in strategic</p> <p>9 discussions about the product, how</p> <p>10 the product was promoted or</p> <p>11 anything else involving the</p> <p>12 product.</p> <p>13 You know, I may have gotten</p> <p>14 copies of documents because I was</p> <p>15 at the VP level. What did I do?</p> <p>16 I put it in my file. Okay, great.</p> <p>17 They sent me a document. It has</p> <p>18 to go somewhere. So I put it in</p> <p>19 my folder.</p> <p>20 But I was not involved with</p> <p>21 these brand products whether it</p> <p>22 was Percocet, oxymorphone ER,</p> <p>23 Numorphan.</p> <p>24 MS. VANNI: And just for the</p>

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<p>1 record, I just want to note that</p> <p>2 you missed my objection, on the</p> <p>3 "any reason to doubt" question.</p> <p>4 BY MS. SCULLION:</p> <p>5 Q. But we did see earlier in</p> <p>6 your performance evaluation that you were</p> <p>7 involved with Opana, at least to the</p> <p>8 extent of, as you said, facilitating</p> <p>9 the --</p> <p>10 A. Stocking.</p> <p>11 Q. -- relationships with the</p> <p>12 trade on stocking, right?</p> <p>13 A. Stocking, yes. I agree.</p> <p>14 Q. Right. And that was -- and</p> <p>15 that was an important part of the launch</p> <p>16 of Opana ER, right, getting that stocked?</p> <p>17 MS. VANNI: Object to form.</p> <p>18 THE WITNESS: Well, you have</p> <p>19 to have it stocked, yes.</p> <p>20 BY MS. SCULLION:</p> <p>21 Q. Right. And when you were</p> <p>22 helping get that drug stocked, are you</p> <p>23 telling me that you were not aware that</p> <p>24 Opana -- that oxymorphone had a history</p>	<p>1 'Blues' in the 1989 Gus Van Sant film,</p> <p>2 Drugstore Cowboy, about a family of</p> <p>3 traveling drug addicts set in the early</p> <p>4 1970s."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Mr. Stevenson, so sitting</p> <p>8 here today, you're telling me that during</p> <p>9 the time that you were helping Endo get</p> <p>10 oxymorphone tablets stocked out in the</p> <p>11 retail drug chains, no one made you aware</p> <p>12 of this history of abuse of that opioid,</p> <p>13 right?</p> <p>14 MS. VANNI: Objection.</p> <p>15 THE WITNESS: I was not</p> <p>16 aware of -- I was not aware of</p> <p>17 anything involving Numorphan.</p> <p>18 That never came up during my</p> <p>19 tenure there.</p> <p>20 BY MS. SCULLION:</p> <p>21 Q. Okay. Fair to say that in</p> <p>22 terms of the relationships that you were</p> <p>23 discussing are important to develop with</p> <p>24 the trade, that you never informed anyone</p>
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<p>1 of abuse in the 1960s and '70s under the</p> <p>2 name Blues?</p> <p>3 MS. VANNI: Object to form.</p> <p>4 THE WITNESS: I was not</p> <p>5 aware of that. I've never heard</p> <p>6 of that before.</p> <p>7 BY MS. SCULLION:</p> <p>8 Q. Okay. And just, again, to</p> <p>9 draw your attention in Exhibit 24 to the</p> <p>10 last paragraph of the article.</p> <p>11 A. Oh, 24. That's this one?</p> <p>12 Q. That's the article, right.</p> <p>13 A. The last paragraph?</p> <p>14 Q. Right. Which explains,</p> <p>15 "This isn't the first time that</p> <p>16 oxymorphone hydrochloride has been</p> <p>17 available in tablet form. Until it was</p> <p>18 taken off the market in the 1970s, it was</p> <p>19 available in 10-milligram tablets under</p> <p>20 the brand name Numorphan."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And it goes on to</p> <p>24 say, "That was the drug referred to as</p>	<p>1 in your trade relationships that</p> <p>2 oxymorphone, in fact, had a history of</p> <p>3 abuse in the 1960s and '70s, right?</p> <p>4 MS. VANNI: Objection.</p> <p>5 THE WITNESS: We were</p> <p>6 stocking an FDA-approved product.</p> <p>7 The FDA approved a product, and</p> <p>8 what -- and what the goal was, was</p> <p>9 to make sure that the product was</p> <p>10 stocked. That was, while an</p> <p>11 important aspect of the product</p> <p>12 launch, it was not a significant</p> <p>13 activity for myself. It was</p> <p>14 basically in the hands of three</p> <p>15 national account executives who</p> <p>16 reported to me at the time. And</p> <p>17 that was our only involvement with</p> <p>18 oxymorphone.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Understood. The question is</p> <p>21 just, factually, I assume from your prior</p> <p>22 answers that it's fair to say that when</p> <p>23 your national account executives were</p> <p>24 interacting with the trade to get Opana</p>

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<p>Page 346</p> <p>1 and Opana ER stocked, as part of the</p> <p>2 launch, they were not telling the trade</p> <p>3 that that opioid had a history of abuse</p> <p>4 in the 1960s or '70's? Just factually</p> <p>5 that didn't happen?</p> <p>6 MS. VANNI: Objection.</p> <p>7 THE WITNESS: They would not</p> <p>8 be telling them that.</p> <p>9 (Document marked for</p> <p>10 identification as Exhibit</p> <p>11 Endo-Stevenson-25.)</p> <p>12 BY MS. SCULLION:</p> <p>13 Q. Let me hand you what's been</p> <p>14 marked -- sorry. Do I have an extra copy</p> <p>15 of this? Yeah, I do.</p> <p>16 Let me hand you what's been</p> <p>17 marked as Exhibit 25.</p> <p>18 MS. VANNI: Thank you.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Exhibit 25 is Bates-stamped</p> <p>21 ENDO-OPIOID_MDL-00156150.</p> <p>22 And, Mr. Stevenson, have you</p> <p>23 seen Exhibit 25 before?</p> <p>24 A. No.</p>	<p>Page 348</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
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1 BY MS. SCULLION:  
2 Q. Let me hand you what has  
3 been marked as Exhibit 26. Exhibit 26 is  
4 Bates-stamped ENDO-OPIOID\_MDL-00856825.  
5 And Mr. Stevenson, do you  
6 see this is an e-mail from you to  
7 Mr. Kerr on October 20th, 2006, subject  
8 matter "Project Pizza"?  
9 A. Yes.  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
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3 [REDACTED]  
4 [REDACTED]  
5  
6 Asked and answered.  
7 THE WITNESS: Not to my  
8 knowledge.  
9 MS. SCULLION: Okay. We've  
10 been going for a while. This is a  
11 good time for a quick break.  
12 THE VIDEOGRAPHER: Off the  
13 record, 2:40.  
14 (Short break.)  
15 THE VIDEOGRAPHER: We are  
16 back on the record at 2:58.  
17 BY MS. SCULLION:  
18 Q. Welcome back, Mr. Stevenson.  
19 You understand that you're still under  
20 oath?  
21 A. Yes, I do.  
22 (Document marked for  
23 identification as Exhibit  
24 Endo-Stevenson-26.)

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<p>Page 362</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 364</p> <p>1 A. 23? Oh.</p> <p>2 Q. No, no. I have Tab 23. I'm</p> <p>3 going to get it to you. It's a lot of</p> <p>4 numbers.</p> <p>5 (Document marked for</p> <p>6 identification as Exhibit</p> <p>7 Endo-Stevenson-27.)</p> <p>8 BY MS. SCULLION:</p> <p>9 Q. I'll hand you what's been</p> <p>10 marked as Exhibit 27. And Exhibit 27 is</p> <p>11 Bates-stamped ENDO-OPIOID_MDL-02230226.</p> <p>12 And, Mr. Stevenson, do you</p> <p>13 recognize Exhibit 27 as a series of</p> <p>14 e-mails from you to various folks in late</p> <p>15 October 2006?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Let's start on</p> <p>18 the next to last page of the exhibit. At</p> <p>19 the bottom it says -- 227 is the last</p> <p>20 three digits of the number.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And let's start</p> <p>23 with -- with your e-mail at the bottom of</p> <p>24 the page, which again is from you to</p>
<p>Page 363</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 Okay.</p> <p>20 A. That's what I -- I have to</p> <p>21 review it again. I...</p> <p>22 Q. Thank you. Okay.</p> <p>23 Let's go to Tab 23. You can</p> <p>24 put this one aside for now.</p>	<p>Page 365</p> <p>1 Mr. Kerr and it's cc'd to Mark Baglin.</p> <p>2 Do you recall his position</p> <p>3 at the time?</p> <p>4 A. No, I don't.</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<div>Page 367</div> <div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div>	<div>Page 369</div> <div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div>

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<p>Page 371</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 Q. Okay.</p> <p>6 MS. SCULLION: And can we</p> <p>7 take -- can we go off the record</p> <p>8 really quickly?</p> <p>9 THE VIDEOGRAPHER: Off the</p> <p>10 record. 3:15.</p> <p>11 (Short break.)</p> <p>12 THE VIDEOGRAPHER: We are</p> <p>13 back on the record at 3:19.</p> <p>14 BY MS. SCULLION:</p> <p>15 Q. Sorry for that brief</p> <p>16 interruption.</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 373</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 395</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 397</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 MS. SCULLION: Can I have</p> <p>4 Tab 52, please. Make sure we have</p> <p>5 the same document. Because these</p> <p>6 can get a little bit tricky.</p> <p>7 (Document marked for</p> <p>8 identification as Exhibit</p> <p>9 Endo-Stevenson-29.)</p> <p>10 BY MS. SCULLION:</p> <p>11 Q. I'll hand you what's been</p> <p>12 marked as Exhibit Number 29.</p> <p>13 And, Mr. Stevenson, if</p> <p>14 you'll turn to the second page of</p> <p>15 Exhibit 29, you'll see at the top, that</p> <p>16 it's entitled "Endo Contribution Margin</p> <p>17 Report - Period."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Now, I'll represent to you</p> <p>21 that this is a format of this data that</p> <p>22 was produced to us by Endo in this</p> <p>23 litigation in response to our request for</p> <p>24 financial reporting from Endo.</p>

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<p style="text-align: right;">Page 398</p> <p>1 And I just want to draw your 2 attention to this first page. You'll see 3 on the product line, indicates that 4 it's -- Endocet is the product, right? 5 A. Yes. 6 Q. Okay. And then we see a 7 number of lines in the chart. It starts 8 with the gross revenues and then goes 9 through a number of the line items that 10 we discussed when we were looking at the 11 McKesson summary. 12 Do you see that? 13 A. Yes. 14 Q. But there's -- there's a new 15 line item in here that we haven't 16 discussed in detail yet. We referred to 17 it earlier. That's the chargebacks. Do 18 you see that the fourth line down under 19 revenue? 20 A. Yes. 21 Q. It says chargebacks. Can 22 you explain what chargebacks were in this 23 context for -- context for Endocet? 24 A. Well, it's the same concept</p>	<p style="text-align: right;">Page 400</p> <p>1 was their contract price. And so if the 2 WAC was \$80, and the contract price was 3 \$40. There would be a \$40 chargeback 4 submitted to Endo to -- for the number -- 5 for the number of bottles sold -- sold to 6 that contract number. 7 Q. Okay. Again, let me see if 8 I can just break that down to make sure I 9 actually understand how that all worked, 10 because it was a lot. It was very 11 helpful. But so, again, the WAC is the 12 wholesale acquisition cost, right? 13 A. Yes. 14 Q. And that's the price across 15 the board, the same WAC across the board 16 that Endo sets for a product, right? 17 A. Yes. 18 Q. Okay. And then the contract 19 price you referred to, in the context of 20 a product like Endocet, would that be the 21 contract between Endo and -- let's start 22 with the retail pharmacy chain? 23 A. It wouldn't be to the retail 24 pharmacy chain. It would be to the</p>
<p style="text-align: right;">Page 399</p> <p>1 for any product, whether it's an opioid 2 or not. It's the difference between the 3 WAC, the wholesale acquisition cost, and 4 the contract price -- 5 Q. Okay. 6 A. -- for the number of bottles 7 sold through their -- whatever the 8 respective wholesaler's program was to 9 the independent pharmacists. 10 Q. Okay. 11 A. Or whatever -- not only -- I 12 shouldn't say independent pharmacists. 13 Whatever -- whoever they sold out to, if 14 the contract was loaded, there was a 15 contract price. The WAC was the WAC. 16 And the respective contract price was 17 whatever the respective contract price 18 was for Contract 1, 2, 3, 4, 5. And then 19 there was another -- another pharmacy 20 chain or whatever might have been 21 Contract 1, 2, 3, 4, 5, 6, however it was 22 numbered. 23 And every -- every 24 respective contract had a price. That</p>	<p style="text-align: right;">Page 401</p> <p>1 wholesaler. The chargeback goes to the 2 wholesaler, not to the -- 3 Q. The contract price is the 4 price that the wholesaler has contracted 5 for? 6 A. No. No. It's the price 7 that Endo has with the respective chain 8 or wholesaler program. 9 Q. Okay. 10 A. So McKesson had One Stop, or 11 whatever it was called in those days. 12 ABC had a different program. Cardinal 13 had -- I forget, Generic Alliance. I 14 forget all the names now. 15 And they -- if a contract 16 was loaded for those programs, it was 17 given a unique number. And its price was 18 loaded. The wholesaler bought it at WAC. 19 And they sent you a chargeback for the 20 number of bottles sold -- 21 Q. Through that program? 22 A. -- through that program 23 based on what the WAC price was minus 24 what the contract price. That was called</p>

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<p style="text-align: right;">Page 402</p> <p>1 the chargeback.</p> <p>2 Q. Okay. And when they were</p> <p>3 calculating the chargeback, that had to</p> <p>4 be based on that wholesaler's sales</p> <p>5 through that particular program under</p> <p>6 that contract price, right?</p> <p>7 A. Number.</p> <p>8 Q. Okay. And did Endo get data</p> <p>9 telling it how those chargebacks were</p> <p>10 calculated? In other words, to see which</p> <p>11 sales through the program justified the</p> <p>12 chargeback that the wholesaler was asking</p> <p>13 for?</p> <p>14 MS. VANNI: Object to form.</p> <p>15 THE WITNESS: Endo got</p> <p>16 chargeback data that was</p> <p>17 primarily -- matter of fact, as</p> <p>18 far as I know, exclusively used</p> <p>19 for financial verification.</p> <p>20 That's who -- that's what</p> <p>21 chargeback data was for, to</p> <p>22 validate claims.</p> <p>23 BY MS. SCULLION:</p> <p>24 Q. Right. And let me make</p>	<p style="text-align: right;">Page 404</p> <p>1 which is a shelf stock.</p> <p>2 So the price declines in the</p> <p>3 market, and they have 100 bottles</p> <p>4 on the shelf, they want to have</p> <p>5 the bottles on the shelf be the</p> <p>6 same price as their new price.</p> <p>7 Okay. And as a result of</p> <p>8 that you would get a claim for</p> <p>9 that, and they would say, "We had</p> <p>10 900 bottles on the shelf when the</p> <p>11 price change went into affect."</p> <p>12 And if it's a direct account, you</p> <p>13 can validate that because you know</p> <p>14 from what you shipped them.</p> <p>15 So if it's a chain with a</p> <p>16 vault, you can validate that. If</p> <p>17 it's a chain or customer without a</p> <p>18 vault and they make that claim, to</p> <p>19 pass an audit which is always</p> <p>20 important to do, and verify that</p> <p>21 the claim was a legitimate claim,</p> <p>22 finance would use chargeback data</p> <p>23 to validate the claim.</p> <p>24 BY MS. SCULLION:</p>
<p style="text-align: right;">Page 403</p> <p>1 sure. The chargeback data that Endo got,</p> <p>2 it wouldn't just be a summary of the</p> <p>3 chargeback. It would be actually, like</p> <p>4 you said, a validation of all the sales</p> <p>5 from the wholesaler out that justified</p> <p>6 that chargeback?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So would that be</p> <p>9 another piece of data that Endo had about</p> <p>10 its customers' customers?</p> <p>11 MS. VANNI: Object to form.</p> <p>12 THE WITNESS: Yes, it would</p> <p>13 be another data point, yes.</p> <p>14 BY MS. SCULLION:</p> <p>15 Q. Okay. And you said that was</p> <p>16 used in finance to verify the claims,</p> <p>17 right?</p> <p>18 MS. VANNI: Objection.</p> <p>19 THE WITNESS: It was</p> <p>20 especially used to validate claims</p> <p>21 for customers' customers. So if</p> <p>22 there was -- there's a line on</p> <p>23 here called "price equalization,"</p> <p>24 for example, which refers to --</p>	<p style="text-align: right;">Page 405</p> <p>1 Q. Okay. Thank you. If you</p> <p>2 can turn a few pages back -- let's see.</p> <p>3 One, two, three, four, five, six, seven.</p> <p>4 There's a page that lists the product at</p> <p>5 the top at Numorphan.</p> <p>6 A. Numorphan, okay.</p> <p>7 MS. VANNI: Sorry, Counsel,</p> <p>8 what page was that?</p> <p>9 MS. SCULLION: Well, it</p> <p>10 doesn't have page numbers.</p> <p>11 THE WITNESS: You have to</p> <p>12 find it.</p> <p>13 MS. SCULLION: It's about</p> <p>14 seven pages back.</p> <p>15 THE WITNESS: Okay, yeah.</p> <p>16 MS. SCULLION: They are</p> <p>17 hopefully in alphabetical order.</p> <p>18 THE WITNESS: It's there.</p> <p>19 MS. VANNI: Gotcha.</p> <p>20 BY MS. SCULLION:</p> <p>21 Q. Okay. You are on the -- on</p> <p>22 the page that has the product listed as</p> <p>23 Numorphan?</p> <p>24 A. Yes.</p>

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<p>1 Q. Okay. And you see that for</p> <p>2 this fiscal year, it's 2006, it does</p> <p>3 indicate that year-to-date there were</p> <p>4 392,000, a little bit more, in sales of</p> <p>5 Numorphan during that year?</p> <p>6 A. That's what it shows, yeah.</p> <p>7 Q. Okay. And again you recall</p> <p>8 that we saw the name Numorphan come up in</p> <p>9 the article about oxymorphone abuse,</p> <p>10 correct?</p> <p>11 MS. VANNI: Object to form.</p> <p>12 THE WITNESS: Yes, I recall</p> <p>13 the article.</p> <p>14 BY MS. SCULLION:</p> <p>15 Q. Okay. Do you have any</p> <p>16 understanding about what Numorphan</p> <p>17 product is referred to in this</p> <p>18 contribution margin report?</p> <p>19 A. I have no idea.</p> <p>20 Q. Okay. Let's go -- turn</p> <p>21 another page back and you'll see at the</p> <p>22 top, the product Opana ER.</p> <p>23 A. I see Opana. Is there</p> <p>24 supposed to be an Opana ER?</p>	<p>1 Q. I will tell you in this set</p> <p>2 it's the only oxycodone page there is.</p> <p>3 So that's my understanding.</p> <p>4 A. Okay.</p> <p>5 Q. Okay. So again, let's look</p> <p>6 down the line for price -- sorry, for</p> <p>7 sales promotions. And you'll see, just</p> <p>8 for Period 1, 2.6 million, a little bit</p> <p>9 more. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. What was sales promotions?</p> <p>12 A. I'm sure it was -- you know,</p> <p>13 had to do with stocking.</p> <p>14 Q. So that would be --</p> <p>15 A. That's the only promotion</p> <p>16 that we would ever -- you know, they put</p> <p>17 it into a convenient P&amp;L line. But</p> <p>18 that's only -- we didn't promote to</p> <p>19 doctors. So generics do not promote to</p> <p>20 physicians, ever.</p> <p>21 Q. Just going down a few more</p> <p>22 lines. There's a reference to</p> <p>23 distribution fees?</p> <p>24 A. Yes.</p>
Page 407	Page 409
<p>1 Q. Yeah. If you go to the next</p> <p>2 page, you'll see an Opana ER.</p> <p>3 A. Okay.</p> <p>4 Q. All right. And here it's</p> <p>5 just representing that the stub last five</p> <p>6 months of 2006 for Opana ER. Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And here, I just want</p> <p>10 to ask you about a few more of the -- of</p> <p>11 the lines indicated on the left-hand</p> <p>12 side. We talked about a lot of them.</p> <p>13 You mentioned price</p> <p>14 equalization. The next line is sales</p> <p>15 promotions. What was sales promotions?</p> <p>16 A. I don't know. I wasn't</p> <p>17 involved with Opana or Opana ER, other</p> <p>18 than stocking. That's my only</p> <p>19 involvement.</p> <p>20 Q. You know what, fair enough.</p> <p>21 Let's go -- let's go to the next page</p> <p>22 then, which is oxycodone.</p> <p>23 A. And I assume this is</p> <p>24 oxycodone ER; is that correct?</p>	<p>1 Q. And are -- are those the</p> <p>2 percentage fees under the distributor --</p> <p>3 distributor services agreement we talked</p> <p>4 about earlier?</p> <p>5 A. I -- I'm assuming. You</p> <p>6 know, I'm assuming that's what it is. I</p> <p>7 don't know -- I don't know what -- I</p> <p>8 haven't seen these P&amp;Ls before, so...</p> <p>9 Q. Okay. And then two more</p> <p>10 lines down underneath that is an</p> <p>11 administration fee. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. What was administration fee</p> <p>14 separate from distribution fee?</p> <p>15 A. You know, I don't recall the</p> <p>16 specifics. It was some customers or</p> <p>17 wholesaler -- whoever it was, they had --</p> <p>18 they called it an admin fee? I don't</p> <p>19 remember what it was all for. It was</p> <p>20 just another fee, another charge, you</p> <p>21 know, cost of doing business on the</p> <p>22 account.</p> <p>23 Q. From your perspective it's</p> <p>24 another thing you had to compete on for</p>



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<p style="text-align: right;">Page 410</p> <p>1 the account?</p> <p>2 A. Well --</p> <p>3 MS. VANNI: Object to form.</p> <p>4 THE WITNESS: Yes. It's</p> <p>5 another thing that we had to -- at</p> <p>6 the end of the day you had to get</p> <p>7 to a net price. Okay. So we</p> <p>8 listed these things out in order</p> <p>9 to make sure all the different</p> <p>10 deductions were accounted for in</p> <p>11 order that we get to a net price.</p> <p>12 When we know the net price then we</p> <p>13 know we can calculate our</p> <p>14 profitability. So when you take</p> <p>15 all the deducts out and you get to</p> <p>16 a net price, and you take off your</p> <p>17 cost of goods, you now can</p> <p>18 determine your profitability.</p> <p>19 BY MS. SCULLION:</p> <p>20 Q. Okay. So from your</p> <p>21 perspective it didn't really much matter</p> <p>22 which of the deducts it went into, as</p> <p>23 long as, in the end, you got to a net</p> <p>24 price that you can make a deal on?</p>	<p style="text-align: right;">Page 412</p> <p>1 marked Exhibit 30. And Exhibit 30 is</p> <p>2 Bates-stamped ENDO-OPIOID_MDL-00877265.</p> <p>3 Mr. Stevenson, drawing your</p> <p>4 attention to the bottom e-mail. It's</p> <p>5 from a Chris Cresswell to you, Ron</p> <p>6 Wickline, and Mark Gossett in May of</p> <p>7 2006. Do you see that?</p> <p>8 A. Yes.</p> <p>9 </p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 411</p> <p>1 MS. VANNI: Object to form.</p> <p>2 THE WITNESS: As long as we</p> <p>3 got to net price that was</p> <p>4 profitable and attractive to the</p> <p>5 company. And if it wasn't</p> <p>6 attractive to the company, we</p> <p>7 would have walked away.</p> <p>8 BY MS. SCULLION:</p> <p>9 Q. Sure. Understood. But</p> <p>10 again -- again, you get to a net price</p> <p>11 that you would be willing to make a deal</p> <p>12 on?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 MS. SCULLION: Can I have</p> <p>16 Tab 11, please.</p> <p>17 BY MS. SCULLION:</p> <p>18 Q. You can put that aside.</p> <p>19 Thank you very much.</p> <p>20 (Document marked for</p> <p>21 identification as Exhibit</p> <p>22 Endo-Stevenson-30.)</p> <p>23 BY MS. SCULLION:</p> <p>24 Q. I'll hand you what's been</p>	<p style="text-align: right;">Page 413</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>Page 418</p> <p>1 Miss Kitlinski in February of 2004?</p> <p>2 A. Yeah -- yes.</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 420</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
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1   
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 6  
 7  
 8  
 9 MS. SCULLION: Can I have  
 10 Tab 4, please.  
 11 (Document marked for  
 12 identification as Exhibit  
 13 Endo-Stevenson-32.)  
 14 BY MS. SCULLION:  
 15 Q. I'll hand you what's been  
 16 marked as Exhibit 32. Exhibit 32 is  
 17 Bates-stamped ENDO-OPIOID\_MDL-02255384.  
 18 And Mr. Stevenson, do you  
 19 recognize Exhibit 32 as a series of  
 20 e-mails concerning pharmacist educational  
 21 initiative update in March of 2004?  
 22 A. That's what it says.  
 23 Q. Okay. Let's go to --  
 24 actually, I apologize. We don't need to

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1 BY MS. SCULLION:  
 2 Q. Welcome back, Mr. Stevenson.  
 3 Let me hand you what's been  
 4 marked as Exhibit 33. And Exhibit 33 is  
 5 Bates-stamped ENDO-OPIOID\_MDL-02255803.  
 6 Mr. Stevenson, do you  
 7 recognize -- sorry, do you see that  
 8 Exhibit 33 is an e-mail from Carey Aron  
 9 to yourself and a few other folks in May  
 10 of 2004?  
 11 A. Yes.  
 12 Q. And the subject matter here  
 13 is opioid patient brochure - production  
 14 ready. Do you see that?  
 15 A. Yes.  
 16 Q. All right. And at the  
 17 bottom of the e-mail you'll see Carey  
 18 Aron is identified as the associate  
 19 director of clinical development  
 20 education and scientific affairs.  
 21 Do you see that?  
 22 A. For Endo.  
 23 Q. Yes.  
 24 A. Yes.

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1 do that one. That's okay. I apologize.  
 2 MS. SCULLION: I think I  
 3 have the wrong document there,  
 4 because my numbers are not  
 5 matching up.  
 6 BY MS. SCULLION:  
 7 Q. You know what? You can put  
 8 this exhibit aside. We may or may not  
 9 come back to it.  
 10 MS. SCULLION: Don't worry  
 11 about it. We'll move on. That's  
 12 all right.  
 13 Can I have Tab 69, please.  
 14 Before we even start, do you  
 15 want to take a quick break? Take  
 16 a quick break and come back in.  
 17 THE VIDEOGRAPHER: Off the  
 18 record, 4:11.  
 19 (Short break.)  
 20 THE VIDEOGRAPHER: We are  
 21 back on the record at 4:25.  
 22 (Document marked for  
 23 identification as Exhibit  
 24 Endo-Stevenson-33.)

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1 Q. Just giving you some  
 2 orientation here. Let me go back to the  
 3 body of the e-mail. I apologize. Is  
 4 Carey man or woman? Do you remember?  
 5 A. I beg your pardon? Could  
 6 you say that again?  
 7 Q. Do you remember if Carey was  
 8 a man or woman?  
 9 A. To be honest, I don't.





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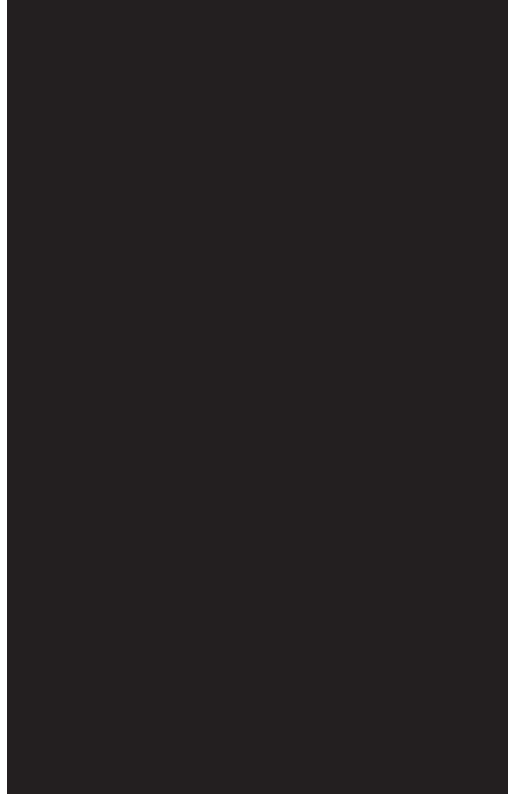


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<p>Page 450</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 452</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 451</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 453</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p style="text-align: right;">Page 454</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>	<p style="text-align: right;">Page 456</p> <p>1 - - - 2 EXAMINATION 3 - - - 4 BY MR. LENISKI: 5 Q. Good afternoon, 6 Mr. Stevenson. My name is Joe Leniski. 7 We were introduced earlier. I'm from the 8 State of Tennessee, and I represent 9 plaintiffs in the State of Tennessee. 10 I'm going to follow up with some 11 questions for you today. 12 How are you feeling? Okay? 13 A. I'm feeling great. 14 MR. LENISKI: We have a 15 standing objection, the Tennessee 16 plaintiffs do, to these 17 depositions, which I'll adopt 18 here, due to a number of different 19 issues, lack of notice, lack of 20 document production, because 21 different civil rules of procedure 22 apply in Tennessee. 23 And I will adopt that 24 objection, as I have in other</p>
<p style="text-align: right;">Page 455</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 MS. SCULLION: I have no 12 further questions for you today. 13 Thank you for your time. 14 THE WITNESS: Okay. 15 MS. SCULLION: I think we're 16 going to take a quick break and my 17 colleague from Tennessee will be 18 asking some questions. 19 THE WITNESS: Okay. 20 THE VIDEOGRAPHER: Off the 21 record, 4:48. 22 (Short break.) 23 THE VIDEOGRAPHER: We are 24 back on the record at 4:55.</p>	<p style="text-align: right;">Page 457</p> <p>1 depositions. And nonetheless, in 2 the spirit of cooperating with the 3 MDL and under the protocol 4 established by that court, we're 5 here today to ask questions. 6 If there's no response, 7 I'll -- 8 MS. VANNI: No objection. 9 MR. LENISKI: -- continue. 10 MS. VANNI: So noted. 11 MR. LENISKI: Thank you. 12 BY MR. LENISKI: 13 Q. Before your deposition, 14 Mr. Stevenson, we asked Endo's lawyers if 15 you had any knowledge that was specific 16 to the State of Tennessee. And they 17 responded that your responsibilities 18 while you were at Endo were national in 19 scope and not particular to Tennessee, 20 and that you didn't -- effectively, you 21 didn't have any Tennessee-specific 22 knowledge that you gained while you were 23 at Endo. 24 Do you agree with that</p>

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<p style="text-align: right;">Page 458</p> <p>1 statement?</p> <p>2 A. Absolutely true.</p> <p>3 Q. Okay. So, for example,</p> <p>4 during your tenure at Endo, while you may</p> <p>5 not have had specific knowledge, did you</p> <p>6 know that Endo did sell its opioid</p> <p>7 products in the State of Tennessee?</p> <p>8 A. Endo sold their products</p> <p>9 nationally, so including Tennessee.</p> <p>10 Q. Okay. What did you know</p> <p>11 about opioid abuse rates in Tennessee</p> <p>12 during your time at Endo?</p> <p>13 A. Nothing.</p> <p>14 Q. While employed at Endo, did</p> <p>15 you have any understanding of the level</p> <p>16 of opioid use in Tennessee relative to</p> <p>17 other states?</p> <p>18 A. No.</p> <p>19 Q. While employed at Endo, did</p> <p>20 you have any understanding of the level</p> <p>21 of opioid abuse in Tennessee relative to</p> <p>22 other states?</p> <p>23 A. No.</p> <p>24 Q. While employed at Endo, did</p>	<p style="text-align: right;">Page 460</p> <p>1 it now, yes.</p> <p>2 Q. And basically it's just a</p> <p>3 range of -- is a range of -- the region,</p> <p>4 rather, around the Appalachian Mountains.</p> <p>5 A. Okay.</p> <p>6 Q. Did you gain any -- while</p> <p>7 you were employed at Endo, did you gain</p> <p>8 any understanding about opioid use in</p> <p>9 Appalachia?</p> <p>10 A. No.</p> <p>11 Q. Did you learn anything</p> <p>12 during your time at Endo of opioid abuse</p> <p>13 rates in Appalachia relative to other</p> <p>14 areas of the country?</p> <p>15 MS. VANNI: Object to form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. LENISKI:</p> <p>18 Q. Okay. So you did not have</p> <p>19 any understanding while you were at Endo</p> <p>20 that the level of opioid abuse in</p> <p>21 Appalachia was relatively higher than</p> <p>22 other parts of the country?</p> <p>23 MS. VANNI: Object to form.</p> <p>24 THE WITNESS: No. I had no</p>
<p style="text-align: right;">Page 459</p> <p>1 you know that opioid abuse rates -- or</p> <p>2 have any understanding that opioid abuse</p> <p>3 rates were higher in Tennessee than</p> <p>4 almost anywhere else in the country?</p> <p>5 MS. VANNI: Object to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. LENISKI:</p> <p>8 Q. Now, most of my clients are</p> <p>9 district attorneys in the State of</p> <p>10 Tennessee. They represent districts in a</p> <p>11 part of Tennessee that we refer to as</p> <p>12 Appalachia. Have you heard of Appalachia</p> <p>13 before?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And do you have a</p> <p>16 general understanding that parts of</p> <p>17 Tennessee are located in Appalachia?</p> <p>18 A. I always thought Appalachia</p> <p>19 was located in Tennessee. But yes.</p> <p>20 Q. Certainly is. I think it's</p> <p>21 a wider region. Do you understand other</p> <p>22 states would also be included in the</p> <p>23 region known as Appalachia?</p> <p>24 A. I guess so, if I think about</p>	<p style="text-align: right;">Page 461</p> <p>1 knowledge of that.</p> <p>2 BY MR. LENISKI:</p> <p>3 Q. Okay. I also represent</p> <p>4 individual infants and toddlers in</p> <p>5 Tennessee who were born afflicted with</p> <p>6 neonatal abstinence syndrome, or what's</p> <p>7 called NAS, because their mothers abused</p> <p>8 opioids while pregnant. Have you ever</p> <p>9 heard of neonatal abstinence syndrome?</p> <p>10 A. No.</p> <p>11 Q. Okay. Did you ever hear the</p> <p>12 term "epidemic" used to describe opioid</p> <p>13 use in this country while you were</p> <p>14 employed at Endo?</p> <p>15 MS. VANNI: Object to form.</p> <p>16 THE WITNESS: I'm not sure</p> <p>17 when I heard -- when I was at Endo</p> <p>18 I heard the word "epidemic." I</p> <p>19 can't -- I can't testify to that.</p> <p>20 I've heard it recently in the</p> <p>21 news. But I would say when I was</p> <p>22 at Endo, I can't recall that.</p> <p>23 BY MR. LENISKI:</p> <p>24 Q. Okay. So was the term</p>

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<p>1 "opioid epidemic" ever used, to your 2 knowledge, at Endo while you were 3 employed there? 4 MS. VANNI: Object to form. 5 THE WITNESS: To my 6 knowledge, no. 7 BY MR. LENISKI: 8 Q. Did you ever hear the term 9 "epidemic" to describe Opana use in this 10 country while you were employed at Endo? 11 A. No. 12 Q. Do you recall being asked 13 questions early today about the 2003 14 meetings between Endo and the DEA and FDA 15 with respect to oxymorphone ER and IR? 16 MS. VANNI: Objection. 17 THE WITNESS: I was not 18 at -- I wasn't at a DEA involving 19 oxymorphone IR and ER. 20 BY MR. LENISKI: 21 Q. I'm sorry. I think you were 22 asked questions about MDL counsel about 23 generic OxyContin that Opana -- or that 24 Endo was launching in 2003. Do you</p>	<p>1 MR. LENISKI: It's one page. 2 It's double-sided. 3 MS. VANNI: I think you just 4 had an extra copy. Thank you. 5 BY MR. LENISKI: 6 Q. I've handed you Exhibit 34, 7 which is a series of e-mails that are 8 dated between June 30, 2003, and 9 July 1st, 2003. The very first e-mail on 10 the chain, which is on the second page of 11 Exhibit 34, is from Bob Barto. And it's 12 subject "Agency contact report, 13 oxymorphone ER and IR." 14 Do you see that? 15 A. Which one is it? Where is 16 Bob Barto? Oh, yeah, there -- sorry. 17 Yeah. Okay. 18 Q. Did you find that? 19 A. Yes. 20 Q. And who is Bob Barto? 21 A. I don't know exactly. Based 22 on the documents that I've seen, he was 23 involved in regulatory affairs. 24 Q. His e-mail reads, "Please</p>
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<p>1 recall that? 2 A. We were hoping to launch in 3 2003. We launched it in June of '05. 4 Q. Okay. Did you have any 5 involvement or any responsibilities 6 relative to Endo's launch of oxymorphone 7 ER or IR around that time frame of 2003? 8 A. No. 9 (Document marked for 10 identification as Exhibit 11 Endo-Stevenson-34.) 12 BY MR. LENISKI: 13 Q. There's copies there for 14 your attorney. 15 A. Oh, sorry. 16 MS. VANNI: You don't need 17 to apologize. 18 BY MR. LENISKI: 19 Q. I handed the witness a 20 document that we've identified as 21 Exhibit 34 to his deposition. This is 22 ENDO-OPIOID MDL-01716696. 23 MS. VANNI: Is this one 24 page, Counsel?</p>	<p>1 see attached agency contact report 2 regarding oxymorphone ER and IR trade 3 name submission and risk management 4 plan." 5 Did I read that correctly? 6 A. Yes. 7 Q. The e-mail directly above 8 that is from Debbie Travers to Scott 9 Shively. And Miss Travers, who was 10 copied on or a recipient of Mr. Barto's 11 e-mail below is forwarding this e-mail to 12 Scott Shively. And who was Scott 13 Shively? 14 A. He was the vice president of 15 brand marketing. 16 Q. Okay. So you were on the 17 generic side at Endo and he was on the 18 brand side; is that correct? 19 A. Yes. 20 Q. Okay. 21 A. I was copied on here as a 22 convenience. I wasn't involved in the 23 product, but... 24 Q. Well, you are jumping ahead</p>

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<p style="text-align: right;">Page 466</p> <p>1 a little bit. We'll get there, but  2 there's an e-mail from Ms. Travers to  3 Mr. Shively. And she says, "Here it is.  4 They claim that our risk management plan  5 is not enough. But were nice enough to  6 point us in the right direction."  7 Did I read that correctly?  8 A. Yes.  9 Q. Okay. And then Mr. Shively  10 writes back -- or actually he actually  11 sends an e-mail to both Debbie Travers  12 and then a number of individuals  13 including MaryAlice Raudenbush.  14 A. Yes.  15 Q. Raudenbush -- later on  16 June 30, 2003. Do you see that e-mail?  17 A. Yes, I do.  18 Q. And he says, "MaryAlice,  19 'really deficient' with regard to our  20 risk management plan does not sound very  21 good. It seems we have a lot of work to  22 do."  23 Did I read that correctly?  24 A. Yes.</p>	<p style="text-align: right;">Page 468</p> <p>1 to 'track' prescriptions/patients.  2 Depending on what this translates to it  3 can be very laborious and very expensive  4 (a patient registry is the extreme case).  5 If it is just regional, that is  6 manageable, i.e., looking for 'macro  7 trends' and areas for concern."  8 Did I read that correctly?  9 A. Yes.  10 Q. Do you recall receiving that  11 e-mail?  12 A. No.  13 Q. Do you know why you were  14 copied on the e-mail from Mr. Shively?  15 A. Because he brought up at the  16 last sentence, "We have to do the same  17 for 3218," which would be oxycodone ER.  18 So he was just asking a question whether  19 or not this would now be required.  20 Q. Okay. And --  21 A. He was filling me in on  22 that, I guess so I would be aware of it.  23 Q. Okay. Do you recall  24 responding to Mr. Shively --</p>
<p style="text-align: right;">Page 467</p> <p>1 Q. Okay. Miss Raudenbush  2 writes back to Mr. Shively, also on  3 July 1st, 2003, correct?  4 A. Yes.  5 Q. And she says, "Scott, FDA  6 indicated that we have the right elements  7 but these are 'soft.' Our plan as  8 currently presented is quite vague and  9 lacks direction. It appears we also need  10 to address diversion from multiple  11 angles, i.e., tracking prescriptions by  12 region, trends, et cetera, as well as the  13 actual distribution of our products from  14 Memphis."  15 Did I read that correctly?  16 A. Yes.  17 Q. Okay. And then Mr. Shively  18 in the final e-mail on this exhibit  19 responds to MaryAlice Raudenbush, and he  20 copies you and a number of other  21 individuals.  22 He writes, "MaryAlice,  23 thanks, that helps a bit. My big concern  24 all along has been that we would be asked</p>	<p style="text-align: right;">Page 469</p> <p>1 A. I don't.  2 Q. -- about his question --  3 A. No.  4 Q. -- in this e-mail?  5 A. No.  6 Q. Okay. And do you remember  7 what the answer was whether the same  8 would be required for the -- for Endo's  9 generic launch of OxyContin to track  10 prescriptions in patients?  11 A. I don't remember.  12 Q. Did you have any  13 responsibilities with respect to  14 implementing any system for tracking  15 prescriptions or patients for either  16 oxymorphone ER and IR or what's numbered  17 here as 3218 which is the generic  18 OxyContin?  19 A. No. Just as I testified to  20 numerous times today, oxymorphone ER and  21 IR was a brand. I was not involved with  22 the brand other than for stocking of the  23 product in late '06 and into '07.  24 Q. Okay.</p>

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<p>Page 470</p> <p>1 (Document marked for</p> <p>2 identification as Exhibit</p> <p>3 Endo-Stevenson-35.)</p> <p>4 BY MR. LENISKI:</p> <p>5 Q. I'm handing the witness</p> <p>6 what's been identified as Exhibit 35 to</p> <p>7 his deposition. This is</p> <p>8 ENDO-OPIOID_MDL-01692316.</p> <p>9 Mr. Stevenson, would you</p> <p>10 agree this is an e-mail from Sue Tolen to</p> <p>11 a number of individuals including</p> <p>12 yourself dated July 14, 2003?</p> <p>13 A. Yes.</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 472</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 471</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 473</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 BY MR. LENISKI:</p> <p>10 Q. Do you recall discussing the</p> <p>11 contents of this attachment to this</p> <p>12 e-mail in Exhibit 35 with any of the</p> <p>13 individuals listed on the e-mail?</p> <p>14 A. No.</p> <p>15 Q. Do you recall if you did</p> <p>16 anything at all with the information that</p> <p>17 Miss Tolen forwarded you that we see in</p> <p>18 Exhibit 35?</p> <p>19 A. No.</p> <p>20 Q. While employed at Endo was</p> <p>21 it your practice to circulate news</p> <p>22 articles about Endo's products to your</p> <p>23 coworkers at Endo?</p> <p>24 A. No. I wouldn't say it's a</p>

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<p style="text-align: right;">Page 474</p> <p>1 practice, no.</p> <p>2 Q. Okay. Do you recall doing</p> <p>3 just that, circulating news reports from</p> <p>4 the internet or other sources to your</p> <p>5 colleagues at Endo while you were</p> <p>6 employed there?</p> <p>7 A. I have no recollection.</p> <p>8 Q. Okay. Were reports in the</p> <p>9 news and elsewhere about -- about abuse</p> <p>10 of Endo's products occurring in the</p> <p>11 country relevant to your work at Endo?</p> <p>12 A. I'm sorry, could you restate</p> <p>13 that, please?</p> <p>14 Q. Were reports in the news and</p> <p>15 elsewhere about the abuse of Endo's</p> <p>16 products occurring in the country</p> <p>17 relevant to your work at Endo?</p> <p>18 MS. VANNI: Object to form.</p> <p>19 THE WITNESS: I never saw</p> <p>20 any article about the abuse of an</p> <p>21 Endo product.</p> <p>22 BY MR. LENISKI:</p> <p>23 Q. Were reports in the news and</p> <p>24 elsewhere about the abuse of opioids</p>	<p style="text-align: right;">Page 476</p> <p>1 respect to whatever work they were</p> <p>2 performing for Endo?</p> <p>3 A. I may have sat in a</p> <p>4 presentation that they made, a Cohn &amp;</p> <p>5 Wolfe presentation, I may have sat in a</p> <p>6 meeting. But I wasn't involved in</p> <p>7 anything else that Cohn &amp; Wolfe did.</p> <p>8 Q. Okay. So to your knowledge,</p> <p>9 were you involved in the retention of</p> <p>10 Cohn &amp; Wolfe to perform services on</p> <p>11 behalf of Endo?</p> <p>12 MS. VANNI: Objection.</p> <p>13 Asked and answered.</p> <p>14 THE WITNESS: No, I was not</p> <p>15 involved.</p> <p>16 BY MR. LENISKI:</p> <p>17 Q. I've handed you what we've</p> <p>18 marked as Exhibit 36. This is</p> <p>19 ENDO-OPIOID_MDL-04137641. Do you</p> <p>20 recognize this document?</p> <p>21 A. No.</p> <p>22 (Document marked for</p> <p>23 identification as Exhibit</p> <p>24 Endo-Stevenson-36.)</p>
<p style="text-align: right;">Page 475</p> <p>1 generally occurring in the country</p> <p>2 relevant to your work at Endo?</p> <p>3 MS. VANNI: Object to form.</p> <p>4 THE WITNESS: How do you</p> <p>5 define relevant?</p> <p>6 BY MR. LENISKI:</p> <p>7 Q. Well, is it information that</p> <p>8 you either did use or would have used in</p> <p>9 performing your job duties at Endo?</p> <p>10 A. No.</p> <p>11 Q. Okay. You were asked some</p> <p>12 questions earlier today about an entity</p> <p>13 known as Cohn &amp; Wolfe. Do you recall</p> <p>14 that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember when</p> <p>17 approximately Endo retained Cohn &amp;</p> <p>18 Wolfe's services?</p> <p>19 A. No. I have no idea.</p> <p>20 Q. Okay. Were you involved in</p> <p>21 retaining Cohn &amp; Wolfe to work with Endo?</p> <p>22 A. No.</p> <p>23 Q. Did you participate in</p> <p>24 meetings with Cohn &amp; Wolfe employees with</p>	<p style="text-align: right;">Page 477</p> <p>1 BY MR. LENISKI:</p> <p>2 Q. And I'll represent to you</p> <p>3 this is something that was located in</p> <p>4 your custodial file.</p> <p>5 Do you know why you would</p> <p>6 have had this document in your custodial</p> <p>7 file?</p> <p>8 A. Somebody sent it to me,</p> <p>9 because, you know, I was at the VP level</p> <p>10 and -- and Endo people kept the VP level</p> <p>11 informed. So I just got a copy of it.</p> <p>12 </p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>Page 478</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 480</p> <p>1 Q. Okay. Do you have any</p> <p>2 knowledge as you sit here today as to why</p> <p>3 Endo retained Cohn &amp; Wolfe Healthcare to</p> <p>4 perform proactive media relations on its</p> <p>5 behalf surrounding the launch of generic</p> <p>6 OxyContin?</p> <p>7 A. I don't have any -- any idea</p> <p>8 what the underlying basis of it was.</p> <p>9 Q. Do you recall receiving</p> <p>10 communications from Cohn &amp; Wolfe,</p> <p>11 subsequent to this date of April 1st,</p> <p>12 2004, concerning reports of OxyContin</p> <p>13 abuse?</p> <p>14 A. No. I have no recollection</p> <p>15 of that.</p> <p>16 (Document marked for</p> <p>17 identification as Exhibit</p> <p>18 Endo-Stevenson-37.)</p> <p>19 BY MR. LENISKI:</p> <p>20 Q. I've handed you what's been</p> <p>21 marked as Exhibit 37 to your deposition.</p> <p>22 This is ENDO-OPIOID_MDL-03256784.</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 479</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 481</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 482</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 484</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 483</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 485</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>


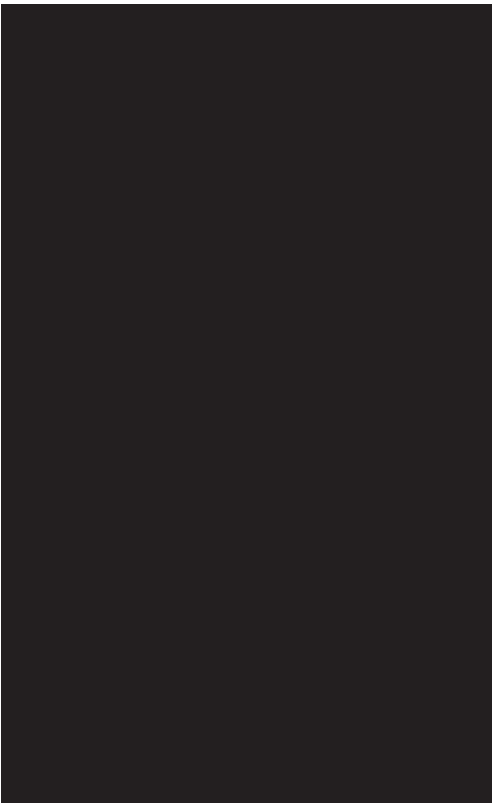
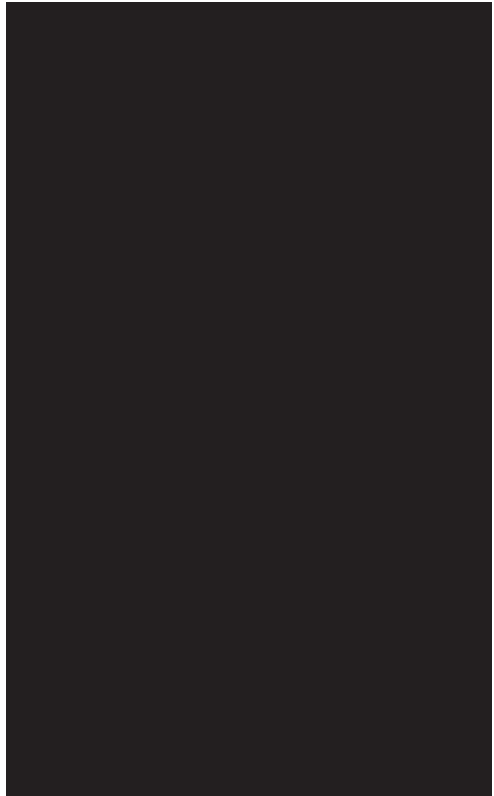

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<p>Page 486</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 488</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 Q. Okay. Do you recall taking</p> <p>21 any actions with regard to what we see in</p> <p>22 Exhibit 37, the information forwarded to</p> <p>23 Endo by Lucy Lu (sic) at Cohn &amp; Wolfe?</p> <p>24 MS. VANNI: Objection.</p>
<p>Page 487</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 489</p> <p>1 THE WITNESS: No, I don't,</p> <p>2 no. I have no recollection.</p> <p>3 BY MR. LENISKI:</p> <p>4 Q. Okay. Do you recall any</p> <p>5 discussions at Endo about the information</p> <p>6 Ms. Lu forwarded in Exhibit 37?</p> <p>7 A. I have no recollection.</p> <p>8 (Document marked for</p> <p>9 identification as Exhibit</p> <p>10 Endo-Stevenson-38.)</p> <p>11 BY MR. LENISKI:</p> <p>12 Q. I handed the witness what we</p> <p>13 identified as Exhibit 38. It's</p> <p>14 ENDO-OPIOID_MDL-03389105.</p> <p>15 Mr. Stevenson, I've handed</p> <p>16 you Exhibit 38. It is a series of</p> <p>17 e-mails attaching a -- what looks to be a</p> <p>18 news report. First e-mail in the</p> <p>19 sequence is from an individual named --</p> <p>20 at the very bottom of the first page,</p> <p>21 Peter Lankau, L-A-N-K-A-U, to Scott</p> <p>22 Shively, yourself, and Mr. Andrzejewski</p> <p>23 dated April 23rd, 2004, correct?</p> <p>24 A. Correct.</p>

123 (Pages 486 to 489)

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<p style="text-align: right;">Page 490</p> <p>1 Q. Who is Peter Lankau?</p> <p>2 A. He was -- he was the</p> <p>3 president. He might have been the CEO by</p> <p>4 this time. I don't remember the exact</p> <p>5 day he became the CEO. He became the CEO</p> <p>6 when Carol Ammon retired.</p> <p>7 Q. Okay. And he's forwarding</p> <p>8 </p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 492</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 491</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 493</p> <p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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Page 494

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24 [REDACTED]

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1 correctly?  
2 A. Yes.  
3 Q. Okay. And do you know who  
4 Patty Leitch was?  
5 A. No, I don't remember off the  
6 top of my head.  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
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10 [REDACTED]  
11 [REDACTED]  
12 Q. Okay.  
13 (Document marked for  
14 identification as Exhibit  
15 Endo-Stevenson-39.)  
16 BY MR. LENISKI:  
17 Q. I've handed you Exhibit 39,  
18 which is ENDO-OPIOID\_MDL-02843461.  
19 It's an e-mail from Patty  
20 Leitch to a number of individuals,  
21 including yourself, dated April 28, 2004.  
22 The subject is Actiq abuse in  
23 Pennsylvania.  
24 Have I represented that

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24 [REDACTED]





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<p>Page 498</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 500</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 Q. Okay. Have you ever heard</p> <p>9 the term "crisis binder"?</p> <p>10 A. No.</p> <p>11 (Document marked for</p> <p>12 identification as Exhibit</p> <p>13 Endo-Stevenson-40.)</p> <p>14 BY MR. LENISKI:</p> <p>15 Q. I've handed the witness what</p> <p>16 we've marked as Exhibit 40. This is an</p> <p>17 e-mail -- it's a few e-mails. First one</p> <p>18 is -- the top of the first page is from</p> <p>19 Patty Leitch to you, Mr. Stevenson, and</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 499</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 501</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 502</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 504</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p>Page 503</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 505</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 



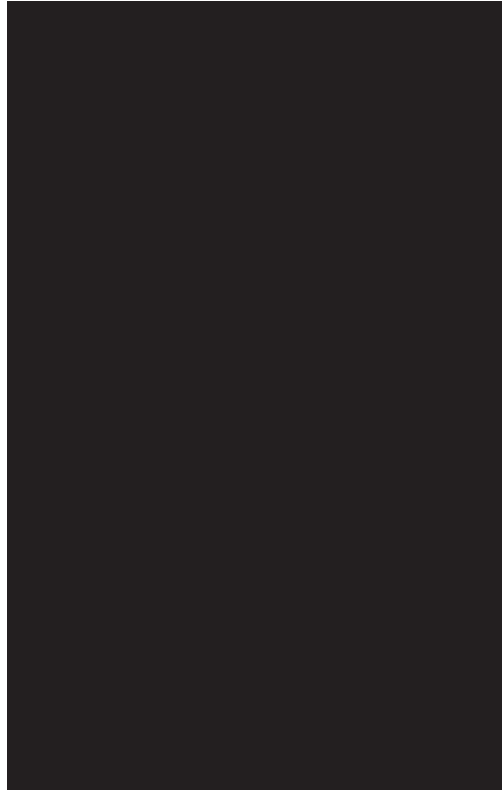
127 (Pages 502 to 505)



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<p style="text-align: right;">Page 506</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 Q. Okay. Do you know if you 23 forwarded Ms. Leitch's e-mail to anyone 24 at Endo?</p>	<p style="text-align: right;">Page 508</p> <p>1 manila folder. Put it in a manila 2 folder, put it in my filing cabinet. 3 Q. Did you have any folders on 4 your e-mail program where media reports 5 like the one we see from Mrs. Leitch in 6 Exhibit 40 were saved, to your knowledge? 7 A. No, I don't have any 8 knowledge. We're going back, you know, 9 12 years. 10 Q. Sure. Do you recall ever 11 giving a direction that such media 12 reports were supposed to be filed in a 13 particular way, either electronically or 14 in paper or otherwise? 15 A. No. 16 Q. Okay. Are you aware how 17 much Endo paid Cohn &amp; Wolfe for their 18 services? 19 A. No. 20 Q. So you had no -- did you 21 have any role whatsoever in determining 22 what compensation Endo would pay to 23 Cohn &amp; Wolfe for their services? 24 MS. VANNI: Objection.</p>
<p style="text-align: right;">Page 507</p> <p>1 A. No, I don't -- I don't 2 recall. I doubt I would have. 3 Q. Was it your practice to file 4 away or otherwise save articles such as 5 this media report from Ms. Leitch 6 concerning generic OxyContin as part of 7 your job responsibilities? 8 MS. VANNI: Object to form. 9 THE WITNESS: I don't think 10 I would call it -- you know, I got 11 e-mails and whatever given to me, 12 and I filed them away. 13 BY MR. LENISKI: 14 Q. When you say you filed them 15 away, what do you mean by that? 16 A. Well, it was either on my 17 e-mail, on my -- you know, whatever the 18 computer electronically, or it could have 19 been in a folder. You know, somebody 20 goes to a meeting, and they hand -- 21 sorry -- they hand you a document, you go 22 back to your office, you put it in a 23 folder. Or I gave it to my assistant, 24 put it in a -- you know, like you have</p>	<p style="text-align: right;">Page 509</p> <p>1 THE WITNESS: As I testified 2 already several times I wasn't 3 involved in Cohn &amp; Wolfe. I have 4 no idea -- you can put a knife in 5 my throat, I couldn't tell you 6 what Endo paid them. 7 BY MR. LENISKI: 8 Q. I won't do that today. 9 A. Okay. 10 MS. VANNI: Today. 11 BY MR. LENISKI: 12 Q. Do you know how long Endo 13 utilized Cohn &amp; Wolfe's services? 14 A. No. 15 Q. Did you independently 16 monitor news reports about opioids after 17 the date of, for example, Exhibit 40, 18 which is May of 2004? 19 A. No. 20 Q. I'm going to show you a 21 document, which unfortunately, for some 22 reason, I don't have copies of. But it's 23 a document which is Bates-stamped 24 ENDO-OPIOID_MDL-05554689.</p>

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<p style="text-align: right;">Page 510</p> <p>1 MR. LENISKI: Can I ask that 2 it be put on your screen? 3 MS. VANNI: You don't have a 4 copy for him? 5 MR. LENISKI: I don't. 6 THE WITNESS: I'll read 7 through my bifocals. 8 MR. LENISKI: Has it been 9 pulled up? Okay. I'm going to 10 ask that that be entered as 11 Exhibit 41 to your deposition -- 12 (Document marked for 13 identification as Exhibit 14 Endo-Stevenson-41.) 15 MR. LENISKI: -- even though 16 we don't have a paper copy of it. 17 BY MR. LENISKI: 18 Q. This is an e-mail from 19 yourself to David Kerr dated May 22, 20 2007, correct? 21 A. Yes. 22 Q. And you are forwarding 23 what's called FDA News Drug Daily 24 Bulletin, correct?</p>	<p style="text-align: right;">Page 512</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p style="text-align: right;">Page 511</p> <p>1 A. Yes. 2 Q. Who is David Kerr? 3 A. He was the vice president of 4 business operations, who was my immediate 5 boss. 6 Q. Okay. And did he oversee 7 both generic and branded business at 8 Endo? 9 A. Yes.</p> 	<p style="text-align: right;">Page 513</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p>Page 514</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 516</p> <p>1 again.</p> <p>2 Q. COLT, C-O-L-T, staff was at</p> <p>3 Endo?</p> <p>4 A. No.</p> <p>5 Q. This is the last document I</p> <p>6 have I don't have a copy of. But I'm</p> <p>7 going to ask that</p> <p>8 ENDO-OPIOID_MDL-01915705, please, be</p> <p>9 shown.</p> <p>10 (Document marked for</p> <p>11 identification as Exhibit</p> <p>12 Endo-Stevenson-42.)</p> <p>13 BY MR. LENISKI:</p> <p>14 Q. This is -- we'll have it</p> <p>15 identified as Exhibit 42. The document</p> <p>16 at the top reads "COLT staff minutes,</p> <p>17 Thursday, May 24, 2007," correct?</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 515</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 Do you know what COLT Staff</p> <p>23 was at Endo?</p> <p>24 A. I'm sorry. What? Say that</p>	<p>Page 517</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>




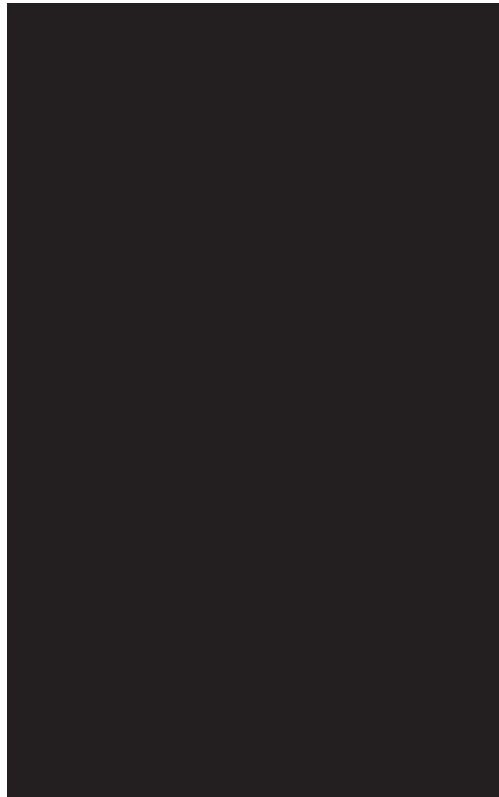
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<p>Page 518</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 520</p> <p>1 Q. Okay. And that was data</p> <p>2 that -- correct, that Endo received from</p> <p>3 wholesalers and distributors about those</p> <p>4 wholesalers and distributors' customers</p> <p>5 who received Endo product?</p> <p>6 A. Yes. Sales out, yes.</p> <p>7 Q. Okay.</p> <p>8 (Document marked for</p> <p>9 identification as Exhibit</p> <p>10 Stevenson-43.)</p> <p>11 BY MR. LENISKI:</p> <p>12 Q. Was it -- was it part of</p> <p>13 your job responsibilities to receive and</p> <p>14 review 867 data received from Endo's</p> <p>15 wholesale and distributor customers?</p> <p>16 A. No, I -- I didn't review it</p> <p>17 or receive it.</p> <p>18 Q. I've handed the witness</p> <p>19 what's been identified as Exhibit 43 to</p> <p>20 this deposition.</p> <p>21 This is -- this is a native</p> <p>22 file, I'll represent. Bates-stamped</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 519</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 Q. That's fair enough. Okay.</p> <p>19 I'm done with that.</p> <p>20 Do you recall being asked</p> <p>21 questions this morning, or I should say</p> <p>22 this afternoon, about what was called 867</p> <p>23 data?</p> <p>24 A. 867 data, yes, I do.</p>	<p>Page 521</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p>Page 522</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 524</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 
<p>Page 523</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 	<p>Page 525</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> 

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<p>Page 526</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>Page 528</p> <p>1 Q. Good evening, Mr. Stevenson.</p> <p>2 A. Good evening.</p> <p>3 Q. It's been a long day. Are</p> <p>4 you okay?</p> <p>5 A. Oh, I'm fine.</p> <p>6 Q. I just have a few questions</p> <p>7 for you.</p> <p>8 I want to direct your</p> <p>9 attention to an exhibit that Ms. Scullion</p> <p>10 marked during your cross-examination.</p> <p>11 It's Plaintiffs' Exhibit 33. Do you have</p> <p>12 that in front of you?</p> <p>13 A. Yes.</p> <p>14 Q. You were asked a series of</p> <p>15 questions about this document. Do you</p> <p>16 recall that line of questioning?</p> <p>17 A. Yes.</p> <p>18 Q. And in particular, if I can</p> <p>19 direct your attention to MDL</p> <p>20 ENDO-OPIOID_MDL-02255807.</p> <p>21 A. Yes.</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p>Page 527</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 MR. LENISKI: I don't have</p> <p>12 any more questions at this time.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MS. VANNI: Take a</p> <p>15 five-minute break.</p> <p>16 THE VIDEOGRAPHER: Going off</p> <p>17 the record at 5:59.</p> <p>18 (Short break.)</p> <p>19 THE VIDEOGRAPHER: We are</p> <p>20 back on the record at 6:15.</p> <p>21 - - -</p> <p>22 EXAMINATION</p> <p>23 - - -</p> <p>24 BY MS. VANNI:</p>	<p>Page 529</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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<p style="text-align: right;">Page 530</p> <p>1 [REDACTED]</p> <p>2 k you.</p> <p>3 MS. VANNI: I have no</p> <p>4 further questions for you,</p> <p>5 Mr. Stevenson.</p> <p>6 THE VIDEOGRAPHER: Going off</p> <p>7 the record at 6:16.</p> <p>8 MS. SCULLION: So I have no</p> <p>9 questions for the witness.</p> <p>10 We did skip Exhibit Number</p> <p>11 11. That's inadvertent. It was</p> <p>12 not used.</p> <p>13 MS. VANNI: Thank you.</p> <p>14 THE VIDEOGRAPHER: That</p> <p>15 concludes the deposition. The</p> <p>16 time is 6:17.</p> <p>17 (Excused.)</p> <p>18 (Deposition concluded at</p> <p>19 approximately 6:17 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 532</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition</p> <p>4 over carefully and make any necessary</p> <p>5 corrections. You should state the reason</p> <p>6 in the appropriate space on the errata</p> <p>7 sheet for any corrections that are made.</p> <p>8 After doing so, please sign</p> <p>9 the errata sheet and date it.</p> <p>10 You are signing same subject</p> <p>11 to the changes you have noted on the</p> <p>12 errata sheet, which will be attached to</p> <p>13 your deposition.</p> <p>14 It is imperative that you</p> <p>15 return the original errata sheet to the</p> <p>16 deposing attorney within thirty (30) days</p> <p>17 of receipt of the deposition transcript</p> <p>18 by you. If you fail to do so, the</p> <p>19 deposition transcript may be deemed to be</p> <p>20 accurate and may be used in court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 531</p> <p>1</p> <p>2 CERTIFICATE</p> <p>3</p> <p>4</p> <p>5 I HEREBY CERTIFY that the</p> <p>6 witness was duly sworn by me and that the</p> <p>7 deposition is a true record of the</p> <p>8 testimony given by the witness.</p> <p>9</p> <p>10 It was requested before</p> <p>11 completion of the deposition that the</p> <p>12 witness, GEORGE STEVENSON, have the</p> <p>13 opportunity to read and sign the</p> <p>14 deposition transcript.</p> <p>15</p> <p>16 MICHELLE L. GRAY,</p> <p>17 A Registered Professional</p> <p>18 Reporter, Certified Shorthand</p> <p>19 Reporter, Certified Realtime</p> <p>20 Reporter and Notary Public</p> <p>21 Dated: February 20, 2019</p> <p>22</p> <p>23</p> <p>24</p> <p>25 (The foregoing certification</p> <p>26 of this transcript does not apply to any</p> <p>27 reproduction of the same by any means,</p> <p>28 unless under the direct control and/or</p> <p>29 supervision of the certifying reporter.)</p> <p>30</p>	<p style="text-align: right;">Page 533</p> <p>1 - - - - -</p> <p>2 E R R A T A</p> <p>3 - - - - -</p> <p>4 PAGE LINE CHANGE</p> <p>5</p> <p>6 REASON: _____</p> <p>7</p> <p>8 REASON: _____</p> <p>9</p> <p>10 REASON: _____</p> <p>11</p> <p>12 REASON: _____</p> <p>13</p> <p>14 REASON: _____</p> <p>15</p> <p>16 REASON: _____</p> <p>17</p> <p>18 REASON: _____</p> <p>19</p> <p>20 REASON: _____</p> <p>21</p> <p>22 REASON: _____</p> <p>23</p> <p>24 REASON: _____</p>

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<p style="text-align: right;">Page 534</p> <p>1</p> <p>2           ACKNOWLEDGMENT OF DEPONENT</p> <p>3</p> <p>4           I, _____, do</p> <p>5       hereby certify that I have read the</p> <p>6       foregoing pages, 1 - 535, and that the</p> <p>7       same is a correct transcription of the</p> <p>8       answers given by me to the questions</p> <p>9       therein propounded, except for the</p> <p>10      corrections or changes in form or</p> <p>11      substance, if any, noted in the attached</p> <p>12      Errata Sheet.</p> <p>13</p> <p>14</p> <p>15</p> <p>16      _____ GEORGE STEVENSON                      DATE</p> <p>17</p> <p>18</p> <p>19      Subscribed and sworn</p> <p>20      to before me this</p> <p>21      _____ day of _____, 20____.</p> <p>22      My commission expires: _____</p> <p>23</p> <p>24      _____ Notary Public</p>	
<p style="text-align: right;">Page 535</p> <p>1           LAWYER'S NOTES</p> <p>2      PAGE   LINE</p> <p>3      _____</p> <p>4      _____</p> <p>5      _____</p> <p>6      _____</p> <p>7      _____</p> <p>8      _____</p> <p>9      _____</p> <p>10     _____</p> <p>11     _____</p> <p>12     _____</p> <p>13     _____</p> <p>14     _____</p> <p>15     _____</p> <p>16     _____</p> <p>17     _____</p> <p>18     _____</p> <p>19     _____</p> <p>20     _____</p> <p>21     _____</p> <p>22     _____</p> <p>23     _____</p> <p>24     _____</p>	

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